

REPORT ON PROCEEDINGS BEFORE

PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE

**APPOINTMENTS OF JOSH MURRAY TO THE POSITION OF
SECRETARY OF TRANSPORT FOR NSW AND EMMA WATTS AS
NSW CROSS-BORDER ASSISTANT COMMISSIONER**

CORRECTED

At Macquarie Room, Parliament House, Sydney, on Thursday 31 August 2023

The Committee met at 09:15.

PRESENT

Ms Abigail Boyd (Chair)

The Hon. Mark Buttigieg

The Hon. Dr Sarah Kaine (Deputy Chair)

The Hon. Mark Latham

The Hon. Peter Primrose

The Hon. Damien Tudehope

The Hon. Natalie Ward

The CHAIR: Welcome to the first hearing of the Public Accountability and Works Committee inquiry into the appointments of Josh Murray to the position of Secretary of Transport for NSW and Emma Watts as NSW Cross-Border Assistant Commissioner. 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 connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today and those who are watching on the live stream. Today we will be hearing from a number of stakeholders, including current and former senior public servants. While we have many witnesses with us in person, some will be appearing via videoconference today. I thank everyone for making the time to give evidence to this important inquiry.

Before we commence, I'd 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. The transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, the House has authorised the filming, broadcasting and photography of Committee proceedings by representatives of media organisations from any position in the room and by any member of the public from any position in the audience. Any person filming or photographing proceedings must take responsibility for the proper use of that material. This is detailed in the broadcasting resolution, a copy of which is available from the secretariat.

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 that 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. In terms of the audibility of the hearing today, I remind both Committee members and witnesses to speak into the microphones. Finally, could everyone please turn their mobile phones to silent for the duration of this hearing.

Mr JOSH MURRAY, Secretary, Transport for NSW, affirmed and examined

The CHAIR: I now welcome our first witness. Thank you for making the time to come here today. Would you like to commence by making a short opening statement?

JOSH MURRAY: I'm pleased to be here this morning, and I do welcome the opportunity to answer all of the Committee's questions. But, first, I want to take a moment to commend the Transport leadership team and the many hundreds of people that I have already met in the public and transport service in the short time that I have been in this role for the way that they are getting on with the job and for the warm welcome and the acknowledgement that they've given me over this period. Those people are out there every day, grinding out improvements to our million train journeys or our 700,000 bus journeys a day, making that possible across our State, keeping safe our 18,000 kilometres of roads, right down to our 1,800 school crossing supervisors. I would say to all of those people, please understand that I have worked many different roles and in a lot of different places.

It has been 15 years since I last set foot as an employee here inside Parliament House. But, no matter the heights of the executive career that I have enjoyed in the meantime, nothing beats delivering something that changes a community for the better. In my last role, by unlocking the best operational people and ensuring a coordinated leadership team backed by technology, we fast-tracked a 600-bed intensive care hospital in the UK during COVID lockdowns. We opened parts of that building a year early, providing beds where there were none left, and that saved lives.

Having worked overseas and made it back home to New South Wales through hotel quarantine with my family, I was acutely aware of how important it was to me to be able to serve should I get the opportunity again. That's what I'm committed to do in Transport and for the people of Transport and for our passengers. It's an area I am passionate about. I have infrastructure experience across the wide spectrum of work we do. I know so many of the hardworking people in our transport networks that have given their whole careers to this world, and I'm extremely proud to be now leading those teams. We can deliver a world-class modern transport system that matches the world-class places that we live, but we have to make tough decisions.

Now, I didn't expect this process to give me any credit for the past roles that I have had. I always knew that my time as a government staff member, a time that I am proud of, would still capture the headline but everyone was always up-front about that. My background was clear in the Government's first press release, and even right now it is on the Transport website. So the idea that I've secretly traded a highly rewarding international infrastructure leadership role, leading teams globally and successfully for 15 years, and taken a pay cut in some kind of conspiracy—that just doesn't stack up. And I reject all of that. I made a tough career call based on the opportunity to make a difference. I went through all of the steps required of me in this process, and if I was asked to apply again tomorrow, knowing what I know now, I would still say yes.

Honourable members, I have been in the post for about 2½ weeks at Transport, and I did everything I could in the notice period leading up to that to double-shift and be ready to work with the people. There is an enormous amount to be done. I'm honoured to be there. I'm committed to the task, and I want to lead the people of Transport as their secretary for the opportunities that they have in front of them. They have told me they want fresh eyes, an experienced people leader and decision-maker who can bring new focus and external insights and advocacy to Transport. That's what I'm focusing on. Thank you for allowing me to address the hearing.

The CHAIR: I understand that you will be with us until 10.45 this morning. Thank you for that. Just to let you know, we will be dividing questions evenly between the Opposition, crossbench and the Government. I will begin with the Opposition.

The Hon. NATALIE WARD: Thank you, Mr Murray, for joining us. Congratulations on the role. We have very limited time today; I am sure you appreciate that. So would you be prepared to come back on another day if we have further questions or information we need to elucidate from you?

JOSH MURRAY: Well, we have the parliamentary estimates process coming up. We have, I would think, many forums to debate this. I do have an enormous role to get on with up at Transport, as I have just mentioned. Of course, I will do everything I can to answer the Committee's questions.

The Hon. NATALIE WARD: So you will come back to this Committee to answer those questions?

JOSH MURRAY: Let's have a look at what we get through today. I will, of course, take the advice of the Committee.

The Hon. NATALIE WARD: Do I take that as a no?

JOSH MURRAY: I will take the advice of the Committee and understand what the procedures are around further hearings.

The Hon. NATALIE WARD: Thank you. Have you—

The Hon. MARK BUTTIGIEG: Point of order—

The Hon. NATALIE WARD: No, I'll leave it there. That's fine.

The CHAIR: A point of order has been taken.

The Hon. MARK BUTTIGIEG: These logistical matters about allocation of time, as I understood, were subjects of the deliberative Committee meeting we had earlier.

The Hon. NATALIE WARD: Certainly. I will move on.

The Hon. MARK BUTTIGIEG: To bring that out into a public hearing—

The Hon. NATALIE WARD: I am happy to move on. Mr Murray—

The Hon. MARK BUTTIGIEG: —is totally out of order.

The CHAIR: Order! I have heard the point of order, and I uphold it. Please continue.

The Hon. NATALIE WARD: We have limited time. I ask you to move on quickly so that we can afford proper questioning in this process. Mr Murray, have you conferred—

The Hon. PETER PRIMROSE: Point of order—

The Hon. NATALIE WARD: They are doing it again.

The CHAIR: Yes, I will hear the point of order.

The Hon. NATALIE WARD: I am just flagging that we have limited time.

The Hon. PETER PRIMROSE: My simple point of order is that witnesses need to be treated with courtesy.

The Hon. NATALIE WARD: Absolutely.

The Hon. PETER PRIMROSE: If a question is worth asking, it's worth allowing the witness time to answer.

The Hon. NATALIE WARD: Thank you. May I ask the question?

The CHAIR: Let me just rule on the point of order. I will just get these out of the way to begin with so that we don't have to have them over and over. Witnesses will be given the time to answer questions and members will be given the opportunity to ask questions.

The Hon. NATALIE WARD: Mr Murray, have you conferred with any other witnesses about your evidence today?

JOSH MURRAY: No.

The Hon. NATALIE WARD: No-one else?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Have you spoken with Jo Haylen about it?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Have you spoken with any third party to prepare for today?

JOSH MURRAY: My wife.

The Hon. NATALIE WARD: You conferred with your wife about the evidence that you are giving today?

JOSH MURRAY: No, I conferred that I was coming along to this and I have been preparing for appearing at the Committee. Of course I discussed that with my wife—not the detail but that I was attending.

The Hon. NATALIE WARD: What is your wife's role?

JOSH MURRAY: She's my wife.

The Hon. NATALIE WARD: Yes. What is her professional role?

JOSH MURRAY: I don't understand—

The Hon. Dr SARAH KAINE: Point of order: It's really irrelevant what Mr Murray's wife does. Given the limited time we have—

The Hon. NATALIE WARD: Thank you. I will move on. When did you first—

The CHAIR: I will rule on the point of order. It is within the witness' rights to simply refuse to answer that question.

The Hon. NATALIE WARD: When did you first meet Minister Haylen?

JOSH MURRAY: I believe it was about seven years ago at a mutual friend's wedding. I was introduced to her and her husband.

The Hon. NATALIE WARD: How would you describe your relationship with Minister Haylen prior to being made secretary of transport?

JOSH MURRAY: We had a semi-professional relationship, where we would see each other around business-related activities. I had been to a number of her speeches, just as I have been to many Coalition member speeches—Ministers at the time—think tank appearances, business lunches et cetera. I had seen her at those events. I didn't know her very well.

The Hon. NATALIE WARD: That is in addition to attending a dinner and interview with her and the meeting that you had after she was sworn in?

JOSH MURRAY: Yes. I attended a meeting after she was sworn in.

The Hon. NATALIE WARD: Do you stand by your statement to 2GB that you met on a couple of occasions?

JOSH MURRAY: Yes.

The Hon. NATALIE WARD: Over seven years?

JOSH MURRAY: I wouldn't know the number of occasions exactly. I'm saying that I didn't know her that well. When we had met, it was pleasantries. I didn't know her particularly well.

The Hon. NATALIE WARD: Would you agree that it sounds like a bit more than just a couple of occasions? I'm not trying to trick you here. A couple of occasions is one, two or, maybe, three. You met after she was sworn in, you met in the interview, you met at a wedding—

JOSH MURRAY: I'm just trying to understand the time frame. Your first question was when I first met her.

The Hon. NATALIE WARD: Is it more than a couple?

JOSH MURRAY: Since she became Minister, I met her on the well-publicised 4 April meeting in this building, and then I don't believe I met with her again until I had been sworn in to this role.

The Hon. NATALIE WARD: So a wedding, a couple of speeches, an interview and after the swearing in—so more than a couple of occasions. You were known to each other.

JOSH MURRAY: More than a couple of occasions. I'm sure there were some mutual social occasions where we would have been at the same event over that time period.

The Hon. NATALIE WARD: Were you a preselector in the Labor Party for Ms Haylen?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Not ever?

JOSH MURRAY: Never.

The Hon. NATALIE WARD: Have you been a preselector for any Labor member in Parliament in New South Wales?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Can I ask about the donation you made? When did you donate \$500 to the Minister's election campaign?

JOSH MURRAY: In 2022 there was an event held at west Ashfield. The keynote speaker was the newly elected Prime Minister. I knew a number of people who were going, and that included business people. Several hundred people were attending that event. As a result, I bought two tickets to go to the event and hear the Prime Minister speak.

The Hon. NATALIE WARD: And the ticket price was \$500 each?

JOSH MURRAY: The ticket price was \$250.

The Hon. NATALIE WARD: You paid for two tickets at \$250 each, a total of \$500.

JOSH MURRAY: That's correct.

The Hon. NATALIE WARD: Every ticket was \$250?

JOSH MURRAY: Yes, as far as I'm aware. They were the tickets that I bought.

The Hon. NATALIE WARD: How was it that you made your way onto the invite list for that event?

JOSH MURRAY: It was on the website. It was on a website.

The Hon. NATALIE WARD: You looked it up on the website?

JOSH MURRAY: Yes. I purchased—

The Hon. NATALIE WARD: And you decided—

JOSH MURRAY: I purchased it using a credit card, on a website, where it was called "Anthony Albanese speech" or something similar.

The Hon. NATALIE WARD: Presumably, you're aware that that event was a fundraiser for Minister Jo Haylen.

JOSH MURRAY: Yes, of course.

The Hon. NATALIE WARD: Did you make any other donations to any other candidates during the election campaign?

JOSH MURRAY: I have not made any other donations.

The Hon. NATALIE WARD: Just donations for dinner with Jo Haylen.

JOSH MURRAY: I have attended another dinner, which was in this building. I also attended a trivia night.

The Hon. NATALIE WARD: For Jo Haylen?

JOSH MURRAY: No.

The Hon. NATALIE WARD: So other donations for other members?

JOSH MURRAY: Yes. No, I did not make any donations; I attended and took up tickets that had been purchased as part of a group.

The Hon. NATALIE WARD: So you didn't purchase them; you came along for free.

JOSH MURRAY: That's correct.

The Hon. NATALIE WARD: Are you still a member of the Labor Party?

JOSH MURRAY: No, I'm not.

The Hon. NATALIE WARD: When did you resign?

JOSH MURRAY: I resigned in June of this year, when I was accepted into the process for the secretary of transport.

The Hon. NATALIE WARD: What branch of the Labor Party were you in before you resigned in June of this year?

JOSH MURRAY: I have never been an active member of a branch.

The Hon. NATALIE WARD: You're a general member of the Labor Party?

JOSH MURRAY: That's correct.

The Hon. NATALIE WARD: What's your relationship with the Premier?

JOSH MURRAY: I have known the Premier for, I would estimate, 20 years. We both worked in this building at around the same time and have known each other in those general circles since.

The Hon. NATALIE WARD: So you met on more than a couple of occasions with the Premier. Obviously, it is a longstanding relationship.

JOSH MURRAY: Yes. Like most people that work in this building, you either know them as friends, you know them as associates, you might not get along with them, but you certainly have longstanding relationships.

The Hon. NATALIE WARD: More than an acquaintance.

JOSH MURRAY: Yes.

The Hon. NATALIE WARD: Thank you. The meeting of 4 April—who initiated that meeting between yourself and Minister Haylen on 4 April?

JOSH MURRAY: I was asked by Ms Haylen's office, by a staff member, if I could make the time, to come in and see the team on 4 April.

The Hon. NATALIE WARD: To meet with the team.

JOSH MURRAY: I was just asked to attend the office.

The Hon. NATALIE WARD: Who contacted you for that meeting?

JOSH MURRAY: It was a staff member of Ms Haylen.

The Hon. NATALIE WARD: Was it the chief of staff?

JOSH MURRAY: No, it wasn't.

The Hon. NATALIE WARD: Who was it?

JOSH MURRAY: It was the—I don't know the role. It was early days in the set-up of that office. It was one of the advisers in that office.

The Hon. NATALIE WARD: On notice, perhaps you might advise the name of that person to this Committee?

JOSH MURRAY: No problem.

The Hon. NATALIE WARD: Thank you. At that meeting, did you discuss the possibility of the position of secretary of transport becoming available or being vacated on the termination of Rob Sharp?

JOSH MURRAY: No.

The Hon. NATALIE WARD: You didn't discuss the role at all?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Did you discuss Rob Sharp?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Did you discuss a possibility of being given any role in Transport for NSW?

JOSH MURRAY: No.

The Hon. NATALIE WARD: What did you discuss in relation to the Transport for NSW secretary position?

JOSH MURRAY: We didn't discuss the secretary position. We discussed the organisation of Transport for NSW. We discussed my past experience as being a transport chief of staff. We talked about the structures that had existed at that time and, I think it's fair to say, some frustrations that the Minister had with some of the information that she was getting about how she started to engage with that agency.

The Hon. NATALIE WARD: On 4 April?

JOSH MURRAY: Correct.

The Hon. NATALIE WARD: She'd received—what? Not enough information in the first seven days after being sworn in that she was frustrated with such that it prompted her to call you to get your advice to her team about that?

JOSH MURRAY: That wasn't the reason to call. The reason to call was to get feedback from someone who'd worked both in transport and in major industry, in infrastructure, where I was more than happy, as I would with any member of Parliament, any Minister or any senior staff member, to give the benefit of industry experience. I was the representative of one of the largest privately owned infrastructure businesses in the world. I was asked to give a view. I'm more than happy to do that, as I have done to Coalition members here, overseas, people of either sides of the political fence. If someone wants to understand what the company is working on and what their view is, more than happy to provide it. At that time, I was able to tell her that industry was quite concerned about budgets and what would come forward. There was a massive capital program being delivered, but the general feeling in industry was that nationally in Australia budgets were tightening.

The Hon. NATALIE WARD: It's fair to say I'm across what the budget was.

JOSH MURRAY: You asked me the question.

The Hon. NATALIE WARD: No, no. When did you first meet the Minister's chief of staff, Scott Gartrell?

JOSH MURRAY: I was able to think back on this. I thought it was suggested often in some media reports that he and I had some kind of longstanding working relationship. But Mr Gartrell actually began in this building after I had already left. I knew him when I was working for the former Premier and he was working for Government Relations Australia. We would have had a couple of meetings over that time period. Later on, I was working for Laing O'Rourke and he was involved with Lendlease.

The Hon. NATALIE WARD: Sorry, my question though was when did you first meet?

JOSH MURRAY: First meet—it would have been around 2007/8, I would say.

The Hon. DAMIEN TUDEHOPE: Can I take you back to your 20-year relationship with the Premier?

JOSH MURRAY: Certainly.

The Hon. DAMIEN TUDEHOPE: You say that that's existed for a long time and probably grew as a result of your involvement in this building. Is that right?

JOSH MURRAY: Well, I was certainly in the transport office and the police office during those years, as well as the Deputy Premier's. I believe he was in the roads office for a period of time, and he and I both worked for Morris Iemma at different stages.

The Hon. DAMIEN TUDEHOPE: And in relation to that relationship, you meet regularly?

JOSH MURRAY: No.

The Hon. DAMIEN TUDEHOPE: You're family friends?

JOSH MURRAY: We're friends. I would regard us as friends.

The Hon. DAMIEN TUDEHOPE: Been to his place for a barbecue?

JOSH MURRAY: Not for a barbecue.

The Hon. DAMIEN TUDEHOPE: Well, for dinner?

JOSH MURRAY: No.

The Hon. DAMIEN TUDEHOPE: But do you socialise with the Premier?

JOSH MURRAY: I have been at weddings with the Premier. Sadly, I have recently been at a funeral with the Premier.

The Hon. DAMIEN TUDEHOPE: When was the last time you had an interaction with the Premier?

JOSH MURRAY: I can't recall. I would have seen him during the first few months of this year on a couple of occasions, I'm sure. I can't recall exactly.

The Hon. DAMIEN TUDEHOPE: They were for social events?

JOSH MURRAY: Yes. General social networks.

The Hon. DAMIEN TUDEHOPE: Because not only did you donate \$500 to a campaign, there was another \$250 I think paid by your wife in respect to that same event, was there not?

JOSH MURRAY: That's correct.

The Hon. DAMIEN TUDEHOPE: Who was that for?

JOSH MURRAY: That was for raffle tickets at the event.

The Hon. DAMIEN TUDEHOPE: So it was \$500 for the two places? Who did you sit with on that night?

JOSH MURRAY: We sat on a table. I sat with my wife. We were on a table of, I am assuming, branch members or other friends from the local community.

The Hon. DAMIEN TUDEHOPE: But you don't recall who else was on the table?

JOSH MURRAY: I don't recall.

The Hon. DAMIEN TUDEHOPE: Was Minister Haylen on the table?

JOSH MURRAY: No.

The Hon. DAMIEN TUDEHOPE: Are you sure of that?

JOSH MURRAY: Positive.

The Hon. DAMIEN TUDEHOPE: So, in respect of the subsequent event that you had in relation to the Premier, you attended his victory celebration event, did you not?

JOSH MURRAY: I attended the Kogarah electorate celebration event on the night of the election.

The Hon. DAMIEN TUDEHOPE: And in respect of that event, who invited you to that?

JOSH MURRAY: My family was invited to that event—my extended family—and I attended with them.

The Hon. DAMIEN TUDEHOPE: Who sent you the invitation?

JOSH MURRAY: I was shared the invitation by my wife and her father.

The Hon. DAMIEN TUDEHOPE: To a Kogarah event? And the event was at Kogarah, was it?

JOSH MURRAY: At Brighton Novotel.

The Hon. DAMIEN TUDEHOPE: Correct. So, in relation to the event that Anthony Albanese spoke at, you've indicated to us that you found it on a website. Can you indicate which website that was?

JOSH MURRAY: I would have assumed it was the ALP website. I knew the event was on; it was highly promoted. Several hundred people, I would assume, were going. I knew people who were going from my broader circle of professional friends and friends from this place, and I bought two tickets.

The Hon. DAMIEN TUDEHOPE: Did you disclose that in the course of your interview process?

JOSH MURRAY: I have always disclosed what I'm required to under the Electoral Act.

The Hon. DAMIEN TUDEHOPE: No—just to understand this. In the course of your interview process, did you disclose that to anyone?

JOSH MURRAY: The matters of attending a dinner are immaterial to a job application.

The Hon. DAMIEN TUDEHOPE: You say that. But did you disclose it?

JOSH MURRAY: No, I did not.

The Hon. DAMIEN TUDEHOPE: No, you did not. Did you disclose during your interview process your membership of the ALP?

JOSH MURRAY: I was not a member of the ALP during the interview process.

The Hon. DAMIEN TUDEHOPE: Your previous membership of the ALP?

JOSH MURRAY: My identity was well known to all of the—

The Hon. DAMIEN TUDEHOPE: Did you disclose during the interview process at any time to any person—

JOSH MURRAY: I had no concerns that the interviewers did not know my background and it was writ clear on my CV.

The Hon. DAMIEN TUDEHOPE: On your CV, it was writ clear?

JOSH MURRAY: That I had been the chief of staff to former Premier Morris Iemma.

The Hon. DAMIEN TUDEHOPE: That's true. But your membership of the ALP, was that—

JOSH MURRAY: It wasn't discussed.

The Hon. DAMIEN TUDEHOPE: But was it writ clear on your CV?

JOSH MURRAY: No. I wouldn't have written that on the CV.

The Hon. DAMIEN TUDEHOPE: Correct. You received a text from Mr Gartrell asking you or sending you a link to an advertisement in respect of the transport secretary role, did you not?

JOSH MURRAY: That's correct.

The Hon. DAMIEN TUDEHOPE: Were you surprised to see that text?

JOSH MURRAY: Not really. I had already seen the advertisement and I was already considering applying for that advertisement. I was not surprised—

The Hon. DAMIEN TUDEHOPE: How did he know to send you that advertisement?

JOSH MURRAY: Because he knew my background in infrastructure and in government.

The Hon. DAMIEN TUDEHOPE: When you saw the advertisement—

JOSH MURRAY: I'm sure he thought I was an interested party.

The Hon. DAMIEN TUDEHOPE: How did he know that?

JOSH MURRAY: Because he and I had had discussions, including on 4 April, that were about infrastructure delivery.

The Hon. DAMIEN TUDEHOPE: And that you were an interested party for this job?

JOSH MURRAY: That I might be either interested in the link or that I might be able to share it with people, I'm sure.

The Hon. MARK LATHAM: You said the job wasn't discussed on 4 April.

JOSH MURRAY: It wasn't discussed.

The Hon. MARK LATHAM: But somehow, by osmosis, they knew that you were interested in that job.

JOSH MURRAY: Scott shared with me the link. I'm sure he thought I may either be interested or I may share it with people—

The Hon. MARK LATHAM: Without having a conversation with you.

JOSH MURRAY: Correct.

The Hon. MARK LATHAM: It just came in on the email.

JOSH MURRAY: It just came in on the text, correct. That's been tabled.

The Hon. NATALIE WARD: Who else sent you the job ad?

JOSH MURRAY: I don't recall who sent it to me. I know I got it from Scott. I was not able to find other people who had sent it to me. I know it was in general conversation, because in my industry the departure of Mr Sharp, the acting arrangements and the then recruitment process did generate some interest and discussion.

The Hon. NATALIE WARD: No-one else sent you the job, or others did send you the job?

JOSH MURRAY: I definitely discussed it with other people—that it had appeared.

The Hon. NATALIE WARD: But you weren't sent messages?

JOSH MURRAY: No, I wasn't.

The Hon. NATALIE WARD: Other than the one from Jo Haylen's chief of staff.

JOSH MURRAY: Not that I recall.

The Hon. DAMIEN TUDEHOPE: On 23 May you sent Mr Gartrell a text.

JOSH MURRAY: That's correct.

The Hon. DAMIEN TUDEHOPE: You recall. And it said you had received an email from NGS Global on Friday 19 May confirming that they had all the materials. This text begins with "Thanks for checking in." Who was checking in with you? Was Mr Gartrell checking in with you?

JOSH MURRAY: I don't recall the exact nature of the conversations at that time. As I said—as has been shown—he had sent me the job advertisement. And then at the time when I had sent all of my documents in, I did respond to that text message and say that I had submitted the application. Now, I was concerned about that process at the time. I was starting to feel as though it wasn't being handled professionally by the recruitment company. And I did make the decision to do two things: contact Mr Gartrell and also to contact the chief recruiter and introduce myself.

The Hon. DAMIEN TUDEHOPE: What led you to believe that it wasn't being handled professionally?

JOSH MURRAY: There was an incident where, when I had phoned up to check that my material had been received by the recruitment firm, I asked the recruiter to call me back.

The Hon. DAMIEN TUDEHOPE: Who was that that you spoke to?

JOSH MURRAY: I spoke to an administrative assistant; that was all I could get through to. And I asked to speak to the principal from NGS Global, Dr Marianne Broadbent.

The Hon. DAMIEN TUDEHOPE: You formed the view that that was an unsatisfactory process?

JOSH MURRAY: Having run hundreds of executive recruitments around the world over the last 10 years, I felt that this lacked pace and it lacked information. And when I tried to get through to Dr Broadbent, I couldn't get the information. Subsequently—

The Hon. DAMIEN TUDEHOPE: That was the unsatisfactory part, was it?

JOSH MURRAY: That's correct, and I—

The Hon. DAMIEN TUDEHOPE: That you couldn't get through to Dr Broadbent.

JOSH MURRAY: And I wanted to make sure that they had my materials.

The Hon. DAMIEN TUDEHOPE: You had rung Mr Gartrell?

JOSH MURRAY: No, I texted Mr Gartrell.

The Hon. DAMIEN TUDEHOPE: You texted him?

JOSH MURRAY: As discussed, and said, "They have received my material." I had an email response from NGS saying that my materials had been received, but it was from a dead-end mailbox, and I wanted him to know the following week that my materials had been submitted.

The Hon. NATALIE WARD: Can I just come back to the job ad being sent to you? You said on Ben Fordham's show on 2GB that you were sent the ad by multiple people, not just Scott Gartrell. Are you now telling this Committee that you were not sent the job ad by multiple people?

JOSH MURRAY: I was sent the ad by Mr Gartrell in a text message. I recall having discussions at the time that that job was live. That's what I was referring to on Mr Fordham's program.

The Hon. NATALIE WARD: You said that you were sent the job ad by multiple people. But you're saying that wasn't the case.

JOSH MURRAY: I misspoke.

The Hon. NATALIE WARD: You misspoke on 2GB?

JOSH MURRAY: I misspoke.

The Hon. NATALIE WARD: Have you misspoken on other occasions publicly in relation to this role, or just that once?

JOSH MURRAY: I was talking to Ben Fordham on the show. I knew I'd had discussions about that ad. It turns out I believe I was only sent it as a link by Mr Gartrell.

The Hon. NATALIE WARD: By one person.

The CHAIR: That's time for the Opposition questions. Over to you, Mr Latham.

The Hon. MARK LATHAM: Thanks, Chair, and thanks, Mr Murray. What's the nature of your remuneration package as transport secretary?

JOSH MURRAY: It's \$588,000.

The Hon. MARK LATHAM: And you're aware that your predecessor was on an above-band remuneration package of 623. That hasn't been made available to you?

JOSH MURRAY: I'm not aware of any predecessors' packages. I was offered the band 4 rating for this role, which is what it was advertised at.

The Hon. MARK LATHAM: Have you received any above-band remuneration boost?

JOSH MURRAY: No.

The Hon. MARK LATHAM: When did you first discuss with Chris Minns that you were applying for this position?

JOSH MURRAY: I have not.

The Hon. MARK LATHAM: So even though you've been friends and allies for 20 years, you never had any discussion with Chris Minns about your application or the process you were going through.

JOSH MURRAY: Never.

The Hon. MARK LATHAM: And with Jo Haylen?

JOSH MURRAY: Never.

The Hon. MARK LATHAM: So even though she says that you're a good fit for the job and she wanted you, at no stage, you're saying, the Minister had any discussion with you about your application, how it was going, how the process was unfolding.

JOSH MURRAY: No. The process was being run by Peter Duncan in the Premier's Department. Once that job ad went live, that was my engagement with any questions, which I didn't contact Premier's Department. I contacted NGS Global, the recruitment firm, for any questions, and they liaised with me about then the meetings or the panel opportunities that came up. There was no other contact with anyone else, except for letting Mr Gartrell know that I had in fact applied for the role.

The Hon. MARK LATHAM: And your discussions with Mr Gartrell, when did they commence?

JOSH MURRAY: As mentioned, Scott and I had met with each other previously. I saw him on 4 April in here.

The Hon. MARK LATHAM: What was the date of the previous meeting?

JOSH MURRAY: I'd known him for a number of years. We'd had on-and-off discussions. We had coffee in late 2022, where he told me about his farm.

The Hon. MARK LATHAM: When was this job first discussed?

JOSH MURRAY: We never discussed that.

The Hon. MARK LATHAM: You never discussed it with him either. And did you discuss it with anyone acting on behalf of Jo Haylen or chief of staff who sounded you out about your interest in the position?

JOSH MURRAY: No.

The Hon. MARK LATHAM: So just out of the blue one day a text came saying, "Here's the job ad", and you decided to put your name forward.

JOSH MURRAY: That's correct.

The Hon. MARK LATHAM: Do you regard that as credible evidence?

JOSH MURRAY: I think it's not credible to suggest that when a transport secretary is dismissed, an acting secretary is put in place and then a job ad is advertised in the newspapers for new secretaries that people don't begin talking about that in the infrastructure community, of which I'm a senior member.

The Hon. MARK LATHAM: Who talked to you?

JOSH MURRAY: I would've had that discussion with people around the industry and at my workplace, I'm sure. I can't recall at this stage—

The Hon. MARK LATHAM: Right, but not with the Minister—

JOSH MURRAY: No, not with the Minister.

The Hon. MARK LATHAM: —not with any of the Minister's staff—

JOSH MURRAY: No.

The Hon. MARK LATHAM: —any proxies to the Minister, not with your old friend Chris Minns.

JOSH MURRAY: No.

The Hon. MARK LATHAM: It just happened out of the blue.

JOSH MURRAY: Correct.

The Hon. MARK LATHAM: So even though the Minister wanted you for the position, at no stage did anyone on behalf of the Minister, or herself, say that they were very keen for you to have the position.

JOSH MURRAY: No. I did not know that I had this position until Peter Duncan emailed me on the eleventh—let me just check that—on 11 July. That was the time that I knew.

The Hon. MARK LATHAM: Right, and as the son-in-law of a former member for Kogarah, did any of your family members lobby or have discussions about the position with members of Government and their staff?

JOSH MURRAY: No. They probably would've tried to talk me out of it.

The Hon. MARK LATHAM: You're saying they tried to talk you out of it?

JOSH MURRAY: No, I'm saying that if I'd have been discussing it with them, that probably would have been their reaction.

The Hon. MARK LATHAM: You didn't discuss it with—

JOSH MURRAY: No.

The Hon. MARK LATHAM: —your wife or your father-in-law that you were applying for this position. He's a former transport Minister himself.

JOSH MURRAY: That's right. I told my father-in-law the night before it was announced by the Government.

The Hon. MARK LATHAM: You sort of live in a cone of silence, don't you?

JOSH MURRAY: That's appropriate for senior-level recruitment positions. And I should stress, in the role that I was in, why would I want myself applying for another role to be broadcast around the infrastructure industry where I'm a senior director for one of the biggest infrastructure players in the country?

The Hon. MARK LATHAM: Didn't you just say you were discussing it with your infrastructure colleagues?

JOSH MURRAY: Not my candidacy—the fact that there was a role that existed.

The Hon. MARK LATHAM: Right, so you were discussing with your colleagues there's a vacancy. You put your name forward but you don't mention that you're an interested party.

JOSH MURRAY: No.

The Hon. MARK LATHAM: And you're also silent about the donations to the Labor Party and your Labor Party membership at all stages of the process. Do you regret that now, not declaring those particular interests and financial support for the Minister?

JOSH MURRAY: They're separate processes. I've always abided by the Electoral Act of New South Wales and then I was being assessed for the job suitability by a Melbourne recruitment company.

The Hon. MARK LATHAM: But ethically, normally, if you are applying for these sorts of positions you made a financial contribution to the Minister's campaign and you were a longstanding general member of the Labor Party, you would declare those things, wouldn't you, to have everything on the table so they know your relationship with the Minister and your political activities?

JOSH MURRAY: No. I knew that I had completed all my requirements under the Electoral Act, which is the strictest in the country.

The Hon. MARK LATHAM: But you're not being recruited under the Electoral Act; you're being recruited under different statutes. Ethically, don't you think you should have declared those things and regret it now?

JOSH MURRAY: I don't believe it was material.

The Hon. MARK LATHAM: You don't believe that it was material that you'd made a \$750 donation to the Minister's electoral campaign? I suppose it's a trivial amount, but for your average person in New South Wales \$750 is money they'd like to have in their pocket, so why didn't you declare it?

JOSH MURRAY: It's not material to the recruitment process.

The Hon. MARK LATHAM: Those who have made an ethical judgement about you, like Geoffrey Watson, SC, say your position is untenable and you should resign. How do you respond to that?

JOSH MURRAY: Well, I don't know Mr Watson. I understand he has been on talkback radio, but I don't have any knowledge of his comments.

The Hon. MARK LATHAM: If you had your time over again would you have declared these things so that they're known to the recruitment and the various panels?

JOSH MURRAY: As I said in my opening statement, if I had my time over again, I would apply for this position because I believe in it.

The Hon. MARK LATHAM: You mentioned earlier on—it wasn't too clear—in answers to Ms Ward about other contributions to the Labor campaign, a dinner in this building and a trivia night. Can you elaborate on what was involved in both cases?

JOSH MURRAY: Certainly. I attended a former Premiers' dinner in this building in 2022 and that was, again, hundreds of people. The guests were Premiers, including Morris Iemma and Deputy Premier John Watkins. Knowing that my two former colleagues and employers were here and a number of friends, I attended the dinner as well.

The Hon. MARK LATHAM: It's nice to be among friends, but it was a Labor Party fundraising night?

JOSH MURRAY: That's correct.

The Hon. MARK LATHAM: How much did you pay and contribute to the Labor campaign at the former Premiers' dinner?

JOSH MURRAY: I didn't buy those tickets but I understand they were \$250 a head.

The Hon. MARK LATHAM: Who bought the tickets for you?

JOSH MURRAY: My wife bought the tickets.

The Hon. MARK LATHAM: So your wife contributed—your household contributed \$500 on that occasion to the Labor Party campaign?

JOSH MURRAY: That's correct.

The Hon. MARK LATHAM: In this building, right. And you didn't declare that at any stage? You thought it was ethically okay to leave that \$500 unmentioned in the processes you went through?

JOSH MURRAY: I attended as a private citizen, well known in this building, with friends—

The Hon. MARK LATHAM: Well, you were a Labor Party member at the time. You were more than a private citizen.

JOSH MURRAY: But I was—

The Hon. MARK LATHAM: You're a longstanding friend of Chris Minns and you're well known to Jo Haylen. You're more than a private citizen, let's be honest about it. You are a Labor Party activist contributing money—we are now up to \$1,250—to the Labor campaign and you're not declaring any of it.

JOSH MURRAY: I had no public or private interest to declare. It was unrelated to the recruitment process that would take place some eight months later.

The Hon. MARK LATHAM: Don't you think you're delusional about the ethics that should apply? You're being paid a lot of money in a very important position for which the recruitment agency said you weren't qualified, and you've contributed a significant amount of money to a Labor campaign undeclared. Isn't that just ethically unacceptable?

JOSH MURRAY: Even public servants are allowed to take part in democratic processes and engagement with their community. I was not a public servant; I was a private citizen. I was a friend of many people in that room and I attended the event.

The Hon. MARK LATHAM: And the trivia night?

JOSH MURRAY: The trivia night was an event organised in part to pay tribute to my father-in-law and I attended that on a table that was purchased by the family.

The Hon. MARK LATHAM: And that's in the Kogarah electorate?

JOSH MURRAY: That's correct.

The Hon. MARK LATHAM: For Chris Minns' campaign?

JOSH MURRAY: That's correct.

The Hon. MARK LATHAM: And how much was the contribution there on the night, the tickets and the mandatory raffle?

JOSH MURRAY: I believe it was \$100 per person.

The Hon. MARK LATHAM: So \$100 per person. What did your household contribution to Chris Minns' campaign add up to?

JOSH MURRAY: That would have been \$200.

The Hon. MARK LATHAM: Okay, \$200. We are getting close to \$1,500 now and none of that was ever declared as relevant to your recruitment by a Labor government—by Minns and by Jo Haylen?

JOSH MURRAY: My only purchase was the initial two tickets that we discussed, to the Summer Hill event.

The Hon. MARK LATHAM: Well, that's just skirting around the fact that through your wife and your household you've made a contribution of nearly \$1,500 to Haylen and Minns' campaign for the Labor Party.

JOSH MURRAY: Well, let me put it this way. I bought tickets on that occasion for the two of us, she bought tickets for the two of us, we declared those as we are supposed to do under those guidelines.

The Hon. MARK LATHAM: You didn't declare them in seeking this position. Ethically, isn't this just unacceptable and you should resign as per the advice of the assistant commissioners to the ICAC?

JOSH MURRAY: I've covered all of the elements that are required of me in the Electoral Act in terms of the making of small contributions in that regard. I then went through a public—

The Hon. MARK LATHAM: Well, \$1,500 is getting close to a very significant contribution, isn't it?

JOSH MURRAY: I then went through a public—

The Hon. MARK LATHAM: Don't say they're small.

JOSH MURRAY: I went through a publicly advertised recruitment process and those matters were not material.

The Hon. MARK LATHAM: If you think that—

The CHAIR: Order! Mr Murray, have you ever tried to hide your association with the Labor Party?

The Hon. MARK LATHAM: Well, he didn't declare it.

JOSH MURRAY: On the CV that sits both on my LinkedIn page and my former employee's website and the Government press release and my application to this process, I very clearly state that I was the chief of staff to Morris Iemma.

The CHAIR: I could do a quick Google search and discover your multiple links with the Labor Party. Obviously, that was known to the recruitment firm at the time, correct?

JOSH MURRAY: I would assume that they would've looked at my past career and perhaps done a Google search themselves. I can't speak for what they knew about my background.

The CHAIR: The public service is riddled with people who have longstanding connections with political parties. Do you believe that should exclude them from positions such as yours?

JOSH MURRAY: Absolutely not. In my experience working in this place and also out in the global infrastructure sector, I would contest that political staff members are often some of the hardest working and committed people I've ever worked with. That has always been something that I've seen from both sides of the political fence, and it's natural that those people find their way into public service positions because of the purpose that drives them.

The CHAIR: Nevertheless, having that association does open itself up to accusations of jobs for the boys. If you were to go through this process again, or if you were advising the current Minister on how to recruit somebody else in a similar position to yourself, what would you do differently?

JOSH MURRAY: It's not my job to advise the Minister in terms of recruitment. It's my job to administer the transport Act and to run the State's very large and complex transport service organisations.

The CHAIR: For example, the Minister or the Secretary of DPC could have decided to instead do a direct appointment, as opposed to run a recruitment process. Do you think that in the circumstances that's the route that should have been followed in the case of your appointment?

JOSH MURRAY: Again, I don't think that's for me to answer. I saw a job ad that was publicly advertised, it was printed and it was put online on I work for NSW—that's where I saw it. I can't comment on other avenues that could have been taken.

The CHAIR: Given the scandals from the last term of Parliament in relation to what looked to be partisan hires, and given the new Labor Government's apparent commitment to transparency and accountability—as you've said, you shouldn't necessarily be excluded from accepting a role or being offered a role when you are somebody with that kind of longstanding association, but do you think that additional measures should have been put in place to ensure that you were being appointed on merit rather than on association?

JOSH MURRAY: From my journey through this process and being someone who has got experience around the world in recruitment, the steps were in place. I am not concerned—I am not convinced that the administration of the process by the third party was particularly good in some of the materials that I've seen come across the desk and that have been tabled to this House. I think that those sort of processes with publicly advertised positions are the best way to ensure you get the right pool of candidates—but not if people think that they're going to be trashed on the way through.

The CHAIR: We'll come back to that because I think that's really important. In these circumstances you would assume that a process has been put in place with this sort of independent recruitment process with NGS Global in order to ensure that this is not a partisan appointment but instead one by merit. But in this case NGS came back saying that you were not a suitable candidate and that your appointment would present a risk. Why do you think that was?

JOSH MURRAY: I can't speak to that. The documents that I have seen that have been tabled in this Parliament are very contradictory. The timelines don't meet up. One of the first comments made by the recruiter appears to have come in to the Government—by what those documents show—before I'd even been spoken to by anyone. It was purely a desktop or paper-based exercise. At the same time, documents that come from later in the process, which have clear, data-based assessments of the candidates, were not included in the process and don't appear to have been provided to the panel in a timely manner.

The CHAIR: How did you find out that NGS had deemed you to be unsuitable for the role?

JOSH MURRAY: When it was released in the call for papers.

The CHAIR: Did Mr Gartell tell you that you had received a rating of being unsuitable for the role?

JOSH MURRAY: No.

The CHAIR: Do you believe that Mr Gartell's involvement in then asking NGS to reconsider you and to invite you for interview was an ethical thing for him to have done?

JOSH MURRAY: I can't speak to the process. The Government has made clear that it was looking for a diverse candidate pool. That's usually why you bring in an international search agency. I understand that, from comments that have been made and what has been released in the public over the last couple of weeks, they were disappointed with the list. That doesn't surprise me. That is something that, in my dealings with the recruiters, you always have to be assured that that work is being done to get the best possible list. It is often up to the client or those involved with the process to make sure that people are also applying.

The CHAIR: Can you see the concern here, though, where we have somebody who is clearly associated, as you are, with the Labor Party, who is put through a recruitment process that is supposed to be merit based, and

through that merit-based selection process what the recruiters have come forward with is a statement that you're not suitable for the role. We then have the chief of staff of the Minister asking for you to be interviewed regardless. Can you see that that begins to look like a partisan decision and to basically be disrespecting or muddying that merit-based selection process?

JOSH MURRAY: Chair, all I can comment on is my understanding and knowledge of the process. The job ad was released on 5 May; I was confirmed in the role on 11 July. During that process I was required to complete psychometric testing; I was required to attend a panel with independent experts, whose view I valued as independent, professional, national public servants; I was required to prepare a plan to talk about how I would begin to approach the case studies around Transport that were provided as part of the information pack; and I had to submit letters and CVs to go along with that. That's what I was focused on over almost a three-month period.

The CHAIR: Is it a merit-based selection process if the recruitment firm says that you're unsuitable for the role but you then end up getting the role anyway?

JOSH MURRAY: Chair, the comments that they made, the quotes that have been taken out, are also contained in documents that talk about the qualities that I bring to it—my international infrastructure experience—and a number of incorrect assertions about what my role has been at Laing O'Rourke in a global capacity over the last 15 years. They made very short judgements based on job descriptions instead of discussions. That was something that, when I then got to be interviewed, I was able to talk about: the depth of my experience, the clarity of the role and the fact that this company operates like no other in the sector, with a very flat structure. Nothing occurred in that company over the seven years, from my time in London to the time that I returned here to Sydney and continued doing that role—nothing went out of that business that hadn't passed my desk.

The CHAIR: To be clear, I'm not questioning your merit. I'm not in a position to be able to make that call. What I'm looking at here is the process that was followed and the clear interference from the chief of staff in that process. Given the amount of heat that this has put onto your role and onto the Minister, do you think there was another way that that could have been done to make it crystal clear why you were interviewed nonetheless, even though you'd been given that unsuitable—

JOSH MURRAY: Chair, thank you for the clarity. I understand the question. I was very keen to be interviewed. I had no discussions about getting myself interviewed. I fulfilled all of the requirements that were publicly advertised in this process. Given the reaction from Marianne Broadbent when I finally did catch up with her, and the fact that she got my name wrong and had me shortlisted, I believe, for a completely different process, I did not think that my application was being treated seriously from those opening days. And then when I was able to actually have meetings with people, I felt that my global experience in infrastructure and my background in government was being understood.

The Hon. Dr SARAH KAINE: Thank you, Mr Murray, for appearing today. I want to take us to questions to do with your role and take us away from the particular agenda that seems to be being pushed in the majority of the questions you've had so far. Could you go on from where you just were with Ms Boyd's questions and give us a bit more around the experiences and the previous roles, including the one in New South Wales government, that equip you for the role of secretary of transport?

JOSH MURRAY: As members are aware, I was the chief of staff to the Minister for Transport during a very turbulent time, but a time where we worked on new rail timetables, where we developed the new PPP car fleet, a time when we envisaged and iterated on the first metros, which are now running and were delivered some years later by a different government into this city and will continue to be delivered in the plans that have been released by the Government. But they were elements that were being discussed when I was last with the Minister for Transport and the Premier between the years of around 2005 to 2008. I then went into the private sector and steadily grew my role through that period, ending up in London at the right hand of the founder of the Laing O'Rourke group, Mr Ray O'Rourke, who was an incredibly trusting key leader and coach in terms of international business operations, given that he had built the entire \$6 billion organisation by hand by being a labourer in the tunnels of the Victoria line in London.

To be in that context over a long period of time, working intimately with the founder, was the largest learning curve that any executive could aim to be on. And it exposed me to operators like Network Rail, the London Underground, Manchester Metrolink and other projects outside of transport infrastructure, such as Europe's largest construction project, Hinkley Point C power station, where Laing O'Rourke is the civil engineering delivery partner for that enormous project. I was also heavily involved in Laing O'Rourke's Australian operations over a long period of time. Laing O'Rourke has recently handed over the Sydney Metro box and the Central Walk here in Sydney, which many people would have seen as an absolutely astounding engineering feat that will complement the city structure.

These are the projects, the delivery styles, the contracting styles and, importantly, the people-unlocking that I have been working on for the past 15 years. It is imperative for the nation's infrastructure delivery that we get the people solution right and we get this cost-escalation situation right. That's an element that I bring direct experience from the infrastructure industry into Transport, where we have seen this incredible growth in project costs. The other element of that is it enabled me, through this process, to demonstrate my experience through a plan for Transport. As I said, I was presented with a case study, and I was asked to respond to the case study in terms of how would you assess this page and a half of scenarios and begin to coalesce an organisation around those challenges?

I set that out in five ways. The first was safety and reliability first. The elements that the Government had already hit upon in announcing their programs around the rail review and repair plan, the fact there was a bus task force that had just been set up, the fact that metro had cost constraints but was going to bring on the new City and Southwest line in likely a year's time were very important parts of getting it right. An integration of the network was what I believed customers were most screaming out for. The second was culture and accountability within the organisations that make up the Transport portfolio—clear decision-making and ownership so that we could get a handle on where to take the network and the services, bearing in mind that many of them are disaggregated and are provided through contract to the Government. My third element was a budget of no surprises—that there had been too many discussions which were eroding public confidence, that the budget had come in differently to what the Government had expected but, more so, the Government was surprising itself and that that had to end, and that there had to be a clear amnesty, if you like, of all the elements that were not covered or would need to have more attention.

The fourth element was to look at the Government's commitments, which had been made during the election process and which now became Government policy. Had the agency set itself up to actually take those onboard or was it continuing with elements that were perhaps not at the priority or the forefront anymore? And the last one—and I appreciate the indulgence in running through this plan—was to then put the future planning just back half a step, because too much time and resource was being spent on place making and identification of other government departments' initiatives, I believe, and not enough in the nuts and bolts of day-to-day service and reliability.

The Hon. Dr SARAH KAINE: Thanks very much for that. You spoke there about being given a scenario, and that was your response. You have touched on your journey through the recruitment process. Part of what you've referred to is some errors and some concerns you had with NGS recruitment. I understand that they actually sought to interview you for the wrong job. Could you tell us what happened there? Maybe step us through each of the stages, what you had to do and if there were any other concerns.

JOSH MURRAY: Thank you. The comment that's been raised a couple of times now is that when I did finally get in touch with NGS Global, they told me, first of all, that my name was "Josh Gordon", which concerned me because a recruitment company does need to be very discreet with information, and that also I was unlikely to be successful because I didn't have direct investigations experience. Now when I went back through the *Government Gazette* I could see that there were jobs being advertised for senior roles at the ICAC, and I believe that what I had been done is put in the wrong category or disregarded from the transport—

The Hon. DAMIEN TUDEHOPE: Point of order: While I accept that this evidence has been given, perhaps the witness should be directed to at least identify the person with whom he has had that conversation who provided him with that information that he now says is inaccurate.

The CHAIR: As a matter of procedural fairness. If the witness could do that, that would be great.

JOSH MURRAY: Understood. That was a discussion that I had with Dr Marianne Broadbent after a couple of days of phone tag.

The Hon. Dr SARAH KAINE: Sorry, could I clarify: It was Dr Marianne Broadbent who identified you as Josh Gordon and was talking about an ICAC role?

JOSH MURRAY: That's correct.

The Hon. MARK LATHAM: What was the ICAC role? There's no vacancy there. It had been filled by Hatzistergos.

JOSH MURRAY: There were other supplementary ICAC roles that were advertised around the same time. I went back and I had a look in the government materials and it was there.

The Hon. MARK LATHAM: What sort of supplementary role?

JOSH MURRAY: I don't remember. It was a senior role.

The Hon. MARK BUTTIGIEG: Point of order: It's our time.

The Hon. MARK LATHAM: We're just getting some clarity. You're not against evidence.

The CHAIR: Point of order upheld.

JOSH MURRAY: Perhaps I could turn to something else that concerned me around the process with NGS Global, especially because there has been plenty of publicity about negative comments, and any candidate for a process gets negative comments. As I said, I've been involved enough in enough of them around the world to know how recruitment and headhunting exercises play out. But through the materials that were provided to the House in a call for papers, I have seen now an email from NGS Global on 29 June regarding candidate EQs and psychometric testing.

Now I had completed my test when it was sent to me on the day of 16 June. This email was sent on 29 June. So it had not been available to the process because, at that stage, I'd already been interviewed by the panel and the selection panel had convened. The email reads this: "Peter Duncan. Just realised we had not sent these to you. The results of both candidates are strong with no show stoppers. With Josh, his scores are very high and with little variation." It goes on to attach my EQ result: "Josh's overall EQ score was 127, which is in the high range, where 100 is the median for the general population and 110 for the executive population." I won't go on and read the rest of the report.

The Hon. MARK BUTTIGIEG: Can I just clarify this, please? So "Josh Gordon", you're identified as. You've been told that you'd actually applied for an ICAC role. NGS assesses you as having significant risk due to lack of operational experience—notwithstanding the litany of experience you've just put on evidence there—and the EQ result wasn't even availed at the interview?

JOSH MURRAY: It would seem that way based on this document, which was in the call for papers or the Standing Order 52. It goes on to describe: "Josh has a strong awareness of the full spectrum of emotions and their triggers. This allows him to carefully sift through emotions and handle high pressure situations well. Empathy is likely a very natural and inherent skill which he uses to show compassion and respect for the people he leads. He has a high level of optimism, which is contagious in his leadership approach, and he likely can encourage others to see the same grand possibilities. Leaders with optimism such as his cultivate innovation and inspiration. As a leader, Josh is rarely seen allowing his emotions to cloud his objectivity. He makes the required decisions for his team and keeps the workflow moving. Josh likely employs a very realistic and grounded leadership style, turning to data and facts for making decisions and setting directions for his team. He should be careful not to be too realistic or creativity could be stifled. Josh's high need for a sense of purpose and personal achievement is likely evident in his actions and leadership." That page is signed Dr Marianne Broadbent, Managing Partner, NGS Global.

The Hon. Dr SARAH KAINE: Thank you, Mr Murray. I will perhaps follow on from that assessment from Dr Broadbent and the types of attributes that you appear to possess. I know you've spoken about the scenario that you were required to respond to and your plan there, but could you maybe give us an idea of what it is that you hope to achieve in that role? You've given us the scenario, and that's an assessment of the now. What is it that you hope to achieve in the role?

JOSH MURRAY: The scenario was obviously that: a case study. It was a page and a half of basically facts about the transport network that were publicly available, but nonetheless were a difficult scenario to then put into the plan that I've just detailed. However, now being 2½ weeks into Transport, it is very apparent to me that the elements that I laid out in those five critical areas are going to be the wayfinding points for us to take the organisation forward. The critical issues facing Transport right now are implementing the key guideline requirements that will come out of these reports: bus contract management, rail repair plan, the Metro costs, the tolling review, and the Federal infrastructure reviews, which will impact on the State's capital envelope. The next big issue is the budget this year, which is being worked on around the clock by the Government and has been something that I've been involved in since starting on 14 August.

The next element is getting the people equation right: unlocking our people, ensuring they're in the right structures. There has been a process at Transport with a very opaque leadership structure called the "operating model". Everyone that I've spoken to across the many modes of transport that I've visited in the short couple of weeks that I've been onboard has told me that they're confused by elements of the operating model, and therefore it needs clarity. I don't yet have the sketch for them as to what that change or those edits may be, but certainly everyone—senior and all the way through the organisation—has mentioned to me that that absolute transparency is one of their driving factors in what they need.

The Hon. Dr SARAH KAINE: There has been focus on your previous role working for the New South Wales Government. You've described a bit about your role in Laing O'Rourke. We've now heard what seems to

be the revised assessment of Dr Marianne Broadbent about your capabilities and your high EQ scores. I wondered if you know of or have been told the view of your previous employer about your performance and your capabilities. What was Laing O'Rourke's view of how you undertook your role?

JOSH MURRAY: My greatest driver at Laing O'Rourke was always to be able to roll my sleeves up and help drive that organisation. That was the culture and the innovation and hard work that I think has been apparent in the way that organisation has spread around the world. It was a great pleasure to work with Ray O'Rourke over that period and to learn as much as I could from him and other members of his family, working for that. I was a senior executive there for my—a global executive for my last seven years at Laing O'Rourke, but also had been on the executive committees of both hubs, here and Europe, during that time.

Thank you for your question—I will go to comments that were made by Ray O'Rourke and released both inside the business and publicly at the time, where he said, "I'm immensely proud that Josh has been selected for this prestigious role, which is testament to his talent and passion for the built environment and community, as well as his long-held commitment to public service. Over the past 15 years, Josh has played a pivotal role in Laing O'Rourke's journey in both Australia and Europe, leading with unwavering dedication and insight, while displaying an exceptional ability to adapt to changing circumstances. This was no more evident than when we were faced with the unprecedented effect of COVID-19, when Josh was instrumental in helping to guide the business and colleagues through the uncharted waters of the pandemic, ensuring our employees' safety, maintaining continuity and helping our business come out of the pandemic even stronger. On behalf of the entire organisation and all members of the global leadership, I would like to express my heartfelt gratitude to Josh for his immeasurable contributions."

Now, it gives me no joy to come in here and read my EQ report or reference documents like that. However, I have endured over the last few weeks plenty of commentary on other elements that came out of those reports. It appears that elements like this, I don't believe, were taken into account at the right stage of the process.

The Hon. Dr SARAH KAINE: And, again, that then goes back to the recruitment process. If you could just recap for me because, like my colleague who asked for clarification, I just want to make sure I've got that right or, indeed, what went wrong. So we had a situation where Dr Marianne Broadbent misidentified you, spoke to you about the wrong role, you—

JOSH MURRAY: Sorry, if I could just interrupt?

The Hon. Dr SARAH KAINE: Sure.

JOSH MURRAY: When she spoke to me, her discussion was, "You are unlikely to proceed because you do not have direct investigations experience."

The Hon. Dr SARAH KAINE: Yes, right.

JOSH MURRAY: Which caused me to say, "I think you may be talking about a different role"—which, when you're talking to a recruiter, you don't want them talking about either getting your name wrong or talking to you about a different process.

The Hon. Dr SARAH KAINE: Okay, thank you for that clarification. That's helpful. So we're up to there, where we've had that odd conversation about a different role, potentially. Then you've undertaken psychometric testing, so there was EQ testing as part of that. You were awarded an interview, but the results of that EQ test were not provided to the panel during that interview and, in fact, didn't reach them until a week or so after that interview. Have I got that summary right or is there anything else I'm missing in there?

JOSH MURRAY: That's my supposition from that email that I've read to you today. The first time I saw that was because it was prepared and provided in documents to the House, and it was released to me by the department of Premier because it's a personal document relating to my EQ assessment.

The Hon. Dr SARAH KAINE: If I could ask one more question about Laing O'Rourke. I'm not familiar with infrastructure and global infrastructure. I'm not sure if you've already referred to this, but could you let us know the scale of the company? I know you talked about some of the projects, but could you just advise us on the scale of the operations of the company?

JOSH MURRAY: Laing O'Rourke is one of the world's largest privately owned infrastructure, engineering and construction companies. Projects that people would be aware of would be: Heathrow Terminal 5; the St Pancras rail interchange in London; Hinkley Point C power station; Emirates' The Palm, Dubai, the very famous hotel in the UAE; here in Australia, infrastructure like Sydney Central Station, work across the network here, in Victoria, Western Australia, defence establishments in the Northern Territory and New South Wales and, currently, in Queensland. These are the projects that Laing O'Rourke has delivered over my time with them. Staff

numbers during my time at the business have been between 12,000 and 20,000. The other model that Laing O'Rourke employs is it's a direct delivery organisation, so the construction workforce by and large are Laing O'Rourke employees, just like the Transport model. The people who pull on the uniform every morning and go out into the field to deliver the works are the employees and the responsibility of the business, and that is a parallel that I draw with my new role.

The Hon. Dr SARAH Kaine: Thank you very much, Mr Murray.

The Hon. DAMIEN TUDEHOPE: Mr Murray, you've given us a very fine articulation of your ability in circumstances where you were identified as a significant risk. Do you realise that there was another candidate who could have sat here today and given a better explanation because she was more highly suitable?

JOSH MURRAY: That's not for me to say.

The Hon. DAMIEN TUDEHOPE: But you accept that there was another more highly suitable candidate for this position?

JOSH MURRAY: I don't. I wouldn't have applied for the role if I didn't think that I was suitable and that I have laid out—

The Hon. DAMIEN TUDEHOPE: That there was another candidate assessed—

The Hon. PETER PRIMROSE: Point of order—

The CHAIR: I'll hear the point of order.

The Hon. PETER PRIMROSE: I think, in terms of procedural fairness, if a question is worth asking, I don't think it's appropriate that the member should also seek to answer it. I think we should leave it to the witness to provide the answer.

The Hon. NATALIE WARD: Just let him answer. We've got five minutes.

The CHAIR: I uphold the point of order. Go ahead.

JOSH MURRAY: I can't comment on the process. I can't comment on any other candidate for this role or what they brought to the table. I simply sought to lay out some of the elements that I'm aware of that were part of my own candidacy that haven't been covered in recent weeks.

The Hon. DAMIEN TUDEHOPE: Thank you, and it's very clear. Who were your referees?

JOSH MURRAY: That's a private matter for them. I would need to seek advice before tabling that here.

The Hon. NATALIE WARD: Why?

The Hon. MARK LATHAM: Point of order, Chair: It's more than a private matter. They're referees that Mr Murray has accepted in lodging his application and is duty bound to give this Committee an honest answer.

The CHAIR: I don't believe he is duty bound to disclose that information if he does not want to. Perhaps it's something he could take on notice and provide to the Committee in confidence, if that's what he chooses to do.

The Hon. MARK LATHAM: Were there any Labor Party identities?

JOSH MURRAY: Chair, I'm happy to take advice on that. These are people who, in my experience with recruitment processes, you ask for confidential references from people so they can give—

The Hon. NATALIE WARD: What are you hiding?

JOSH MURRAY: I'm not hiding anything—so they can give full and frank—

The Hon. NATALIE WARD: Well, why haven't you produced them?

The Hon. DAMIEN TUDEHOPE: Let me just ask this: One of the criticisms made in relation to your application was that you hadn't provided any current references; do you agree with that?

JOSH MURRAY: I understand that was the point made—that I did not provide references from my current line manager.

The Hon. DAMIEN TUDEHOPE: So are we right to assume that the referees that you provided were referees from your time working for the previous Government?

JOSH MURRAY: No. They were from the broader network of stakeholders that I have.

The Hon. DAMIEN TUDEHOPE: Well, let me just be clear about that. So what you're telling this Committee is that the people that provided references on your behalf had not worked in the previous Labor Government. Is that right?

JOSH MURRAY: I couldn't say that. I'm not going to declare who those people are at this point. I'll seek advice and I'm happy to come back to the Committee.

The Hon. DAMIEN TUDEHOPE: Well, let me ask you this—

The Hon. NATALIE WARD: What are you hiding?

The Hon. DAMIEN TUDEHOPE: Well, let me ask you this: Were they people from your previous employment structure?

JOSH MURRAY: The people that fulfilled those roles were, as requested by the committee, a former employer, a former peer and a former or current line report, and that's what I provided.

The Hon. DAMIEN TUDEHOPE: So in relation to that, they weren't current. Do you agree with that?

JOSH MURRAY: That's not what I'm saying. As I said, I will seek advice. There was a mix of people on that report but they provided their—

The Hon. DAMIEN TUDEHOPE: But you agree with me that they weren't current—

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

The CHAIR: I'll hear the point of order.

The Hon. NATALIE WARD: Who are you protecting? Stop running cover and just let us ask the questions.

The Hon. Dr SARAH KAINE: Mr Murray has already indicated that he will seek advice and, if appropriate, provide the information.

The Hon. NATALIE WARD: We're entitled to ask questions.

The CHAIR: In relation to the point of order, you are entitled to ask the question but if we could please let Mr Murray respond to the question. Go ahead.

JOSH MURRAY: I would simply add that when we expect people to give full and frank references, they deserve some level of privacy when those are talked about, and I would like to seek advice on that before I talk any further about it.

The Hon. NATALIE WARD: Mr Murray, have you ever run a trains network?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Have you ever run a bus network?

JOSH MURRAY: No.

The Hon. NATALIE WARD: A ferry network?

JOSH MURRAY: I have been—

The Hon. NATALIE WARD: Have you run a ferry network?

JOSH MURRAY: No.

The Hon. NATALIE WARD: Light rail?

JOSH MURRAY: I think people are aware of my CV.

The Hon. NATALIE WARD: No. I'm asking you a question in this Committee and I'll ask that you answer. Have you run a light rail network?

JOSH MURRAY: I run light rail projects.

The Hon. NATALIE WARD: Have you run a roads network?

JOSH MURRAY: I've been part of roads projects.

The Hon. NATALIE WARD: Mr Murray—

The Hon. DAMIEN TUDEHOPE: What, in construction?

JOSH MURRAY: Correct.

The Hon. DAMIEN TUDEHOPE: Yes.

JOSH MURRAY: And service provision.

The Hon. NATALIE WARD: Roads projects? But you haven't run any networks—train, bus, light rail, ferry, otherwise?

JOSH MURRAY: The role of the secretary is to ensure—

The Hon. NATALIE WARD: Yes or no? Have you run them?

JOSH MURRAY: No, I have not.

The Hon. NATALIE WARD: Thank you. And your experience—

The Hon. DAMIEN TUDEHOPE: That was the chief criticism, wasn't it, that you didn't have any operational ability? That was what Marianne Broadbent was concerned about, wasn't it?

JOSH MURRAY: So one of the other criticisms that were written in that earlier report was that I didn't have strategic experience, yet a further page from Ms Broadbent says five out of five for strategic thinking.

The Hon. NATALIE WARD: Does the head of communications deliver infrastructure at Laing O'Rourke? Is that what you're truly saying?

JOSH MURRAY: I'm not the head of communications.

The Hon. NATALIE WARD: Well, a communications person who also delivers infrastructure.

JOSH MURRAY: I've never been the head of communications at Laing O'Rourke.

The Hon. NATALIE WARD: You're an infrastructure delivery person, hands on, on networks, are you? Is that what you expect us to believe?

JOSH MURRAY: I was a group statutory director in two countries for Laing O'Rourke.

The Hon. NATALIE WARD: Do you accept that there are any issues—

JOSH MURRAY: I was responsible for all operations as part of that role.

The Hon. NATALIE WARD: Mr Murray, you've been given a job by a Labor mate who you donated to—using Labor mates in the last Government to get you the job and the reference, and after interference by a Labor mate in the interview process from the Minister's office after the recruiter found that you were not qualified. In fact, you're a high risk for this role. You're dumping on the recruiter. You're dumping on everybody else. You won't tell us who your references are. Can the people of New South Wales have any confidence in your ability to run the transport network?

JOSH MURRAY: Well, actually, one of the other reports that was contained in that assessment alongside strategic thinking was integrity, which was also rated very highly in the assessment by Dr Broadbent.

The Hon. NATALIE WARD: Just not by Minister Haylen.

The Hon. PETER PRIMROSE: Point of order: Can the witness please—

The Hon. NATALIE WARD: I withdraw.

The Hon. PETER PRIMROSE: —be allowed to answer other than a string of imputations from the member?

The CHAIR: I uphold that point of order. Mr Latham?

The Hon. MARK LATHAM: Just to bring you back to your statement that no-one at Laing O'Rourke were referees for you, did you ask anyone? You certainly in evidence and elsewhere put a lot of emphasis on your work there. Surely you asked someone as your major employer, and all this work that they do, to be a referee for you?

JOSH MURRAY: I think you'll understand that I'm not going to play clues around the edges of the references. I've asked that we give those people privacy. The instruction, personally, from Dr Marianne Broadbent was, "Do not put your own career at risk by seeking references inside your own organisation if you don't need to." That was a direct conversation that Dr Broadbent had with me and I'm happy that you asked whether that question was had.

The Hon. MARK LATHAM: But in evidence you've said your main qualification is this work you've done at Laing O'Rourke—

JOSH MURRAY: And I've read to you—

The Hon. MARK LATHAM: —but at the end of the day they don't provide any reference to verify the nature of that work as part of this process? That's quite unusual, isn't it?

JOSH MURRAY: In contrary I have provided you today a very fulsome statement from Ray O'Rourke, the owner of the business.

The Hon. MARK LATHAM: Was that submitted as part of this process?

JOSH MURRAY: That came after this process.

The Hon. MARK LATHAM: After the process—so not beforehand. Why couldn't he submit that beforehand?

JOSH MURRAY: I wasn't in charge of the process. The panel—

The Hon. MARK LATHAM: You're in charge of your own application. Did you ask Ray O'Rourke to submit that?

JOSH MURRAY: No, I didn't.

The Hon. MARK LATHAM: No? Why not?

JOSH MURRAY: Because I was one of his most trusted lieutenants. I did not go to him and say, "I'm thinking of going for another job." That's actually what most employees do when they're in the stages of a job application.

The Hon. MARK LATHAM: But those assessing your application would think it's unusual that you're relying on your past employment history at Laing O'Rourke but no-one from Laing O'Rourke will verify that it was any good.

JOSH MURRAY: Actually the opposite, because they were the ones who told me not to ask a current employer if it wasn't appropriate for the process. I took their guidance.

The Hon. MARK LATHAM: Well, that's your judgement to make. Now, just coming to someone who thought you were wonderful, Jo Haylen, who said you're the best fit for the position, for her and for the transport department—you're saying she made that assessment based on a single meeting on 4 April, which was a discussion about transport matters in general.

JOSH MURRAY: No.

The Hon. MARK LATHAM: What would have given her the impression on that meeting on 4 April that you were the best fit?

JOSH MURRAY: The meeting where the Minister sized up the candidates for the role was not 4 April. The meeting on 4 April was, as discussed, a portfolio discussion and a sounding of what the market thought about the recent election result. The meeting with Minister Haylen where she got to ask questions of her candidates, for me, was—let me just check the date.

The Hon. NATALIE WARD: 1 July.

JOSH MURRAY: Saturday 1 July.

The Hon. MARK LATHAM: Right. But out of 4 April her chief of staff has sent you the job advertisement out of the blue, apparently, and they've got you on the interview list for one of these panels. Something must've given them the impression that you'd be for good the position. What do you think it was?

JOSH MURRAY: Well, I went through an application process and I have a longstanding CV in the infrastructure world, as well as experience at the highest levels of government in transport.

The Hon. MARK LATHAM: But on 4 April was it discussed what you would do if you were the transport secretary?

JOSH MURRAY: We didn't discuss the role.

The CHAIR: Order! I have a couple of quick questions for you in the time we have left, Mr Murray. Firstly, when you spoke with Dr Broadbent at NGS and she called and had the wrong name and was talking about a different role, you said earlier that you said to her, "I think you've got the wrong role."

JOSH MURRAY: Yes.

The CHAIR: What did she say in response?

JOSH MURRAY: She said, "Oh, let me check." And I said, "The role that I've applied for is the secretary of transport."

The CHAIR: And what did she say? Do you recall?

JOSH MURRAY: She said something along the lines of, "Oh, my office has given me the wrong file note to call you back."

The CHAIR: Okay. Did you then have a discussion about the actual role? What happened next?

JOSH MURRAY: It was a very short discussion. I remember I was in the car at the time and she said—I think she explained her confusion and then said, "Thank you for making contact." Really my only intention for ringing her that day was to actually introduce myself because I thought that other candidates would be doing the same thing to the recruiter.

The CHAIR: Understood. In relation to your role with Laing O'Rourke, I understand that there's now been some conflict of interest structures put in place—is that right—in relation to that recent role within your new role as secretary?

JOSH MURRAY: That's correct. As with anyone joining government service from the private sector, the Department of Premier and Cabinet, as it was at the time, puts in place a framework to make sure that there is transparency around business dealings between those two firms, especially given the tight restrictions of the infrastructure market.

The CHAIR: I understand there's a 12-month limit on some of the discussions you can be involved in or the decisions you can make. Is that correct?

JOSH MURRAY: It's currently 12 months. It's got regular review windows in conjunction with the Premier's Department.

The CHAIR: Was that raised during the recruitment process as a potential risk or a negative for your appointment?

JOSH MURRAY: I was asked about it by Dr Broadbent. She telephoned me late in the process and asked me about my notice period for Laing O'Rourke and she also asked me to detail which projects in New South Wales Laing O'Rourke was delivering, which I did.

The CHAIR: Did anyone ask you during the recruitment process about the level of exclusion that you'd have to have once you're in the role? Was that ever discussed in the pros and cons list—the idea that you would have to step out of some of that decision-making for 12 months?

JOSH MURRAY: It was discussed with me by Peter Duncan on 10 July in his office where he said that if I was successful with the process then I would need to be part of a management plan and that he would seek some advice from the legal branch and other advisers around that and was I comfortable with that process if I was to continue.

The Hon. MARK BUTTIGIEG: I want to get this down on evidence because I think it's an important input into all of this, and this is the role of NGS in the early part of the process, let's say. We had the confusion around your name "Josh Gordon", the application for the alleged ICAC job confusion which you just articulated, the EQ result which wasn't available at the time of the interview, and then this statement from NGS on 27 June which was available for the selection panel. It notes, "Josh took on personal responsibility to contribute to the improvement of the business by focusing on morale and performance in his people function. This resulted in increased employee engagement across the business with a corollary increase in revenue. The outcome was the family's decision to keep the business in private hands." So this looks to me, on evidence, like a significant turnaround from NGS from that initial confusion. Would that be an accurate assessment, from your perspective, of what's happened?

JOSH MURRAY: I would say that those comments came after I had had my video interview with Dr Broadbent where I was able to actually talk about the role that I had fulfilled, both in Australia and overseas.

The Hon. MARK BUTTIGIEG: The other thing I wanted to touch on was this statement by your previous employer, Laing O'Rourke. This was from the gentleman who ran the organisation, wasn't it? There was a public statement made when you left. Contrary to the view that was put before, where there were no, sort of, references, there was a public statement from Laing O'Rourke about your capability, wasn't there?

JOSH MURRAY: That's correct. The statement that I read before was from the owner and founder.

The Hon. NATALIE WARD: Could I just clarify—that was after the recruitment process, though, it wasn't during it.

The Hon. MARK LATHAM: Yes, it was after.

JOSH MURRAY: That's correct.

The Hon. PETER PRIMROSE: So it's very appropriate. Can I just read out the first sentence of that: "I'm immensely proud that Josh has been selected for this prestigious role, which is testament to his talent and passion"—

The Hon. NATALIE WARD: Point of order—

The Hon. DAMIEN TUDEHOPE: This is not a question.

The CHAIR: I'll hear the point of order.

The Hon. NATALIE WARD: It's not a question to repeat documents or read out the contents of documents by honourable members of this Committee. I ask that the member—

The Hon. PETER PRIMROSE: The question comes at the end.

The CHAIR: On the point of order, I will allow some prefacing of a question to occur. Please go ahead, Mr Primrose.

The Hon. PETER PRIMROSE: I've got: "I'm immensely proud that Josh has been selected for this prestigious role, which is testament to his talent and passion for the built environment, community, as well as his long-held commitment to public service." Can you please tell us why you actually applied for this position, in light of that comment from your previous employer?

JOSH MURRAY: It was a very tough decision for me, after 15 years and the levels at which I had worked in the organisation and the fact that I was currently splitting my time between Sydney and London to deliver that role. I had teams, both direct and dotted line, in both countries that I was working with, and the business was embarking on a number of new and exciting projects. In engineering and infrastructure, the focus is always on the next project that comes along and how grand and important that they can be for a society. I mentioned in my opening the impact on me and the organisation when we opened a hospital during COVID to save lives. The same occurred when we would open new railway lines, railway stations, the Manchester Metrolink or visit defence bases here in Australia where people were being provided with new accommodation, better services and better facilities. That was the career that I enjoyed with that team. But I also had a calling to public service in New South Wales, which corresponded with that job ad becoming available.

The Hon. NATALIE WARD: For a half-a-million-dollar job.

The Hon. Dr SARAH KAINE: Mr Murray, could I ask a question of your experience in that context of recruiting at executive level? In your experience, when you're recruiting for a role, would you be looking for someone who absolutely matched and had exactly the same experience in that role or are you looking for someone with capabilities to perform that role?

JOSH MURRAY: I've actually employed people around the world who had a completely different skill set to the role that I was applying. It has been based on a huge number of factors, which is why you do interviews. It's why you meet people face to face. It's why you do psychometrics to give you a flavour, and then you consider them against the job ad that you are actually trying to fill, not other people's expectations in the organisation. That's what I have been used to around the world. It's what I have been personally involved in, and it's what I anticipated during this process. I did not feel that I was privy to many of those elements during this process. That's my personal view about coming through it.

The Hon. MARK BUTTIGIEG: Didn't the previous bloke who ran the transport department run an airline?

JOSH MURRAY: I'm not aware of the detailed background of the previous secretary.

The Hon. MARK LATHAM: Alan Joyce.

The Hon. MARK BUTTIGIEG: God forbid.

The Hon. Dr SARAH KAINE: He wouldn't take the money. The wages are too low.

The Hon. DAMIEN TUDEHOPE: But he had operational experience, that's for sure.

The Hon. NATALIE WARD: Operational experience, though. He was actually running something. They've got people from A to B.

The Hon. DAMIEN TUDEHOPE: He knew how to run an airline.

The CHAIR: Order!

The Hon. MARK LATHAM: Did Joyce apply? Are you guys backing Joyce?

The Hon. NATALIE WARD: He got people transported.

The Hon. MARK BUTTIGIEG: He would have got it for sure under them.

The CHAIR: Order! You're wasting your own time. Is there a final question from the Government or not? Right. Thank you, Mr Murray. I believe that that has finished our time with you. To the extent that questions were taken on notice or there are supplementary questions delivered to you, the Committee secretariat will be in touch and you will have 21 days to respond to that. Thank you very much, particularly for the additional time.

The Hon. DAMIEN TUDEHOPE: Can I just clarify one thing?

The CHAIR: You may clarify one quick thing.

The Hon. DAMIEN TUDEHOPE: Mr Murray, you've undertaken to get advice in relation to the disclosure of your referees. When can that be done by?

JOSH MURRAY: I'll seek advice and respond to the House.

The CHAIR: Within the 21 days would be the ordinary course.

The Hon. MARK LATHAM: Chair, when are the supplementaries due?

The CHAIR: In 21 days.

The Hon. MARK LATHAM: No, our lodging of them.

The CHAIR: We can talk about that during the deliberative. Normally, it's 12 or 24 hours—it's two days after the delivery of the transcript. That concludes this session.

(The witness withdrew.)

Mr CHRIS LAMB, Deputy Commissioner, Public Service Commission, affirmed and examined

The CHAIR: I now welcome our next witness. Would you like to make an opening statement?

CHRIS LAMB: I will. Thank you for inviting me to give evidence today. I've held the role of Deputy Commissioner at the NSW Public Service Commission since October 2020. I'm currently the acting commissioner while the Public Service Commissioner, Kathrina Lo, is on annual leave. The commissioner was also invited this week to give evidence today; however, as the PSC has advised the Committee, the commissioner is currently overseas and unable to attend. I'm happy to answer the Committee's questions to the best of my ability in my capacity as a member of the assessment panel for the recruitment process for the appointment to the transport secretary role, based on my knowledge of the Government Sector Employment Act, or the GSE Act, and senior executive and senior executive recruitment processes in general.

Recruitment and appointment to the role of secretary of a department is not subject to the merit selection process requirements for the public service senior executives. This has been the case since 2015. However, my understanding from my involvement is that an independent merit-based selection process was followed for the transport secretary appointment. I'll spend a moment or two briefly outlining my involvement. On or around 20 April 2023 I was informed by the Public Service Commissioner, Kathrina Lo, that she would be coordinating the recruitment process for the vacant transport secretary role. Later that month, I was advised by Ms Lo that there would be a two-stage process—an assessment panel and an evaluation panel—and that I would be a member of the assessment panel.

Between late April and 13 June, Ms Lo kept me updated on the recruitment process milestones, but I did not receive any reports in relation to specific applicants until 13 June 2023. On 13 and 14 June, in two separate emails, I received NGS Global's shortlist recommendations report dated 7 June 2023. Also contained in these emails were several zip files containing applicants, CVs and cover letters. On 15 June the members of the assessment panel met in person at 52 Martin Place to discuss the applications. The assessment panel's role was to impartially undertake an initial screening against the essential criteria for the role, as well as review the candidates applications and CVs, and then develop a shortlist of candidates who met the capabilities for the role for progression to the next stage and further assessment by the evaluation panel.

In a meeting lasting two hours, we discussed the relative merits and capabilities of the various applicants and arrived at a consensus shortlist of four applicants to proceed to the evaluation panel. Mr Murray was one of those applicants. Once the assessment panel had reached consensus, that concluded my involvement in the recruitment process. My understanding is that NGS Global then prepared the shortlist for consideration by the evaluation panel, and the next stage of the assessment was in fact conducted by the evaluation panel.

Under the GSE Act, the decision to appoint a person to the office of transport secretary is a matter for the Premier or his delegate, the Secretary of the Premier's Department or, prior to 1 July, the Secretary of DPC. The GSE rules require that, before a person can be appointed as a secretary of a department, a report must be provided to the Premier by the Secretary of DPC, or now the Premier's Department, prepared in consultation with the Public Service Commissioner and the senior Minister to whom the relevant department is responsible—in this case, the transport secretary.

I was not aware, at any time during my participation in the assessment panel, that Mr Murray had any prior connection to the transport Minister. There was no suggestion, before or during the assessment panel meeting, that the Minister wanted Mr Murray interviewed, nor did anyone push Mr Murray's candidacy during the meeting, to the best of my recollection. The decision of the assessment panel to recommend Mr Murray for progression to the next stage of interview, and assessment by the evaluation panel, was made solely on the relative merits of his application. Finally, in relation to the Cross-Border Assistant Commissioner, which I noticed this Committee is also looking at—

The Hon. NATALIE WARD: We're not dealing with that.

CHRIS LAMB: I had no involvement in that recruitment process, nor was I aware it was occurring. This is entirely normal for a non-statutory role at this level, where the recruitment would be managed by the relevant New South Wales public sector agency.

The Hon. NATALIE WARD: Thank you, Mr Lamb, for your time today. You referred to the GSE Act, so I'll call it that. We know that's the Government Sector Employment Act. Is it the case that under section 23 of the Government Sector Employment Act the Secretary of the Premier's Department, by delegation from the Premier, can directly appoint a person to the office of secretary of a department without undertaking a merit-based recruitment and selection process?

CHRIS LAMB: That is correct.

The Hon. NATALIE WARD: Are you aware that on 26 April 2023 the Acting Secretary of the Premier's Department, Mr Peter Duncan, approved a recommendation to conduct a merit-based selection process under rule 17 of the GSE Act and chose to reject the alternative of a direct appointment under section 23?

CHRIS LAMB: I wasn't personally aware that that decision had been made in the terms that you described. I was simply advised by Ms Lo that there would be a merit selection process and I would be a member of the assessment panel.

The Hon. NATALIE WARD: It wasn't unclear to you, was it? It was clear that this was a merit-based selection process. It was clear to you that this was not a direct appointment process.

CHRIS LAMB: That was clear, yes.

The Hon. NATALIE WARD: Is that how I am to take your evidence?

CHRIS LAMB: Yes.

The Hon. NATALIE WARD: Under rule 17 the process is, essentially, to compare candidates against each other and against pre-established standards for the role. Is that correct?

CHRIS LAMB: Under the terms of a merit-based assessment as you describe, yes, it is to compare candidates against the pre-established criteria and against each other.

The Hon. NATALIE WARD: I appreciate your opening statement; thank you for that. Can I just go to one aspect of that. Were you aware that Mr Murray was only interviewed by NGS Global after the Minister for Transport's chief of staff emailed Dianne Leeson to ask that Josh Murray be interviewed as well?

CHRIS LAMB: Sorry, are you talking about the interview or the—

The Hon. NATALIE WARD: Were you aware?

CHRIS LAMB: Involved in the process?

The Hon. NATALIE WARD: Were you made aware, as a member of the assessment panel, that he was only provided an interview after intervention by the Minister's office?

CHRIS LAMB: The assessment panel made the recommendation to progress Mr Murray's application to the evaluation panel.

The Hon. NATALIE WARD: Yes, you did clarify that. My question, though, is about your awareness as a member of that panel. Were you made aware that Mr Josh Murray had only received an interview from the recruiter after intervention by the transport Minister's office?

CHRIS LAMB: I was not aware of that, no.

The Hon. DAMIEN TUDEHOPE: In any of the documents provided to you, were you aware of donations which Mr Murray had made to the election campaigns of Ms Haylen and—we're now discovering today—to the Premier?

CHRIS LAMB: No, I was not aware of that.

The Hon. DAMIEN TUDEHOPE: The documents which you received for the purposes of assessing the various candidates indicated that Mr Murray was a significant risk by virtue of his lack of experience in operational transport systems—paraphrasing. Were you aware of that assessment which had been made?

CHRIS LAMB: I was aware, in the report that I received, which is dated 7 June, that that was one of the issues that was raised in relation to the candidates, yes.

The Hon. DAMIEN TUDEHOPE: That it was a significant risk?

CHRIS LAMB: That was in the document that I received, yes.

The Hon. DAMIEN TUDEHOPE: In fact, the assessment panel downgraded significant risk to risk, did it not?

CHRIS LAMB: The assessment panel considered the relative merits of all the applicants and recommended four applicants to proceed to the evaluation stage.

The Hon. DAMIEN TUDEHOPE: But you did, in fact, as part of that assessment, determine that there were risks associated with Mr Murray?

CHRIS LAMB: In the same way that there were risks with all the candidates that we identified, we did identify that there was a risk with Mr Murray that he had—

The Hon. DAMIEN TUDEHOPE: He was the only one that you said, or that the assessment panel identified, as a risk, was he not?

CHRIS LAMB: We identified risks and areas to explore in the evaluation process with all the applicants. The only applicant who I remember that we identified where the risk was an operational risk was Mr Murray.

The Hon. DAMIEN TUDEHOPE: Correct. Mr Lamb, you're aware, of course, that there should be no interference in relation to a merit-based selection by a Minister's office. Is that right?

CHRIS LAMB: I am aware.

The Hon. DAMIEN TUDEHOPE: And it is in fact a requirement that a Minister's office does not get involved in relation to seeking to interfere in that process?

CHRIS LAMB: That is correct.

The Hon. DAMIEN TUDEHOPE: Would you consider that in the event that Mr Gartrell had sought to ensure that Mr Murray was interviewed—was that an interference in the process?

CHRIS LAMB: I'm not aware of exactly what Mr Gartrell advised NGS Global. I've only seen some reports in the media. What I can say is that the assessment panel was unaware that Mr Gartrell had had any contact with anybody involved in the process.

The Hon. DAMIEN TUDEHOPE: Would you agree with me that if in fact he had requested that he be included in the interview process by the assessment panel, that that would be an interference?

CHRIS LAMB: I would say that as part of the recruitment process, as I outlined in my opening statement, it is expected that consultation would occur with the relevant Minister's office. I do not believe that—

The Hon. NATALIE WARD: At what point?

CHRIS LAMB: During the recruitment process. I don't know that it's defined exactly at what point. But I reiterate that the assessment panel, when we made our decision to advance four candidates to the evaluation panel, had no awareness of any involvement by Mr Gartrell or anyone from the Minister's office.

The Hon. DAMIEN TUDEHOPE: I put it to you again: If in fact you had been made aware of that, would you agree with me that that constitutes an interference in that process?

CHRIS LAMB: If we had been made aware that the contact had occurred with the Minister's office, our role would still have been to assess the applicants independently based on the merit of their applications.

The Hon. DAMIEN TUDEHOPE: Well, in fact, there was some interference by the Minister's office in relation to—or not interference. There was some input from the Minister's office in relation to the independent member, was there not, who would be able to sit on the assessment panel?

CHRIS LAMB: I'm not aware of any involvement from the Minister's office on the make-up of the panel. I was simply advised that I was to be a member of the assessment panel.

The Hon. DAMIEN TUDEHOPE: Well, were you aware that Carmel Tebbutt was originally suggested to be a member of the assessment panel?

CHRIS LAMB: I was not aware at the time. I have seen that in reporting about this matter, but I was not aware.

The Hon. DAMIEN TUDEHOPE: And that the Minister's office advised that she was unavailable?

CHRIS LAMB: I was not aware of that.

The Hon. DAMIEN TUDEHOPE: And that subsequently Ms Verity Firth was appointed to the assessment panel?

CHRIS LAMB: I was obviously aware Ms Firth was on the panel because I was on the panel with her.

The Hon. DAMIEN TUDEHOPE: Were you aware that she was suggested by the Minister's office?

CHRIS LAMB: I was not aware who suggested any particular panel member to participate in that process.

The Hon. DAMIEN TUDEHOPE: If the Minister's office had in fact been suggesting who should sit on the assessment panel, would you agree with me that that would be interference by the Minister's office in the selection process?

CHRIS LAMB: I would have to take advice on that question. You're talking a little bit hypothetically and it's a little bit technical, so I'm happy to take advice on that and respond.

The Hon. DAMIEN TUDEHOPE: But you do agree with me that once it became a merit-based process, there should be no interference by the Minister's office in relation to that merit-based process?

CHRIS LAMB: I agree that a merit-based process should be independent and impartial, yes.

The Hon. DAMIEN TUDEHOPE: Were you aware that Mr Murray was a member of the Labor Party?

CHRIS LAMB: I was not aware of that, no.

The Hon. DAMIEN TUDEHOPE: It's surprising, isn't it? Because he's told us everyone knows.

CHRIS LAMB: I was aware, looking at his CV, obviously, that he had worked for former governments. But no political party membership was discussed, and neither should it be, in an impartial process.

The Hon. NATALIE WARD: Did anyone on the assessment panel at any time declare a conflict of interest?

CHRIS LAMB: We discuss conflicts of interest. A number of panel members identified that they had awareness of particular candidates, but no conflicts were declared, no.

The Hon. NATALIE WARD: No formal declaration of a conflict of interest by any panel member?

CHRIS LAMB: No panel member declared a conflict of interest, no.

The Hon. NATALIE WARD: Did the assessment panel specifically discuss the finding that Mr Murray had not had large-scale operational experience—so much so that it would likely make his appointment a significant risk?

CHRIS LAMB: We discussed the relative merits of all candidates, which included Mr Murray's lack of operational experience, yes.

The Hon. NATALIE WARD: What were those discussions about Mr Murray's lack of operational experience?

CHRIS LAMB: Well, what you've got to remember is that we're assessing candidates against a job description, a list of pre-identified capabilities, and we're looking at strategic skills, leadership skills, stakeholder management, knowledge of government, operational skills—a whole range of things. When you're assessing all of those candidates against those things, some do better in some than others.

The Hon. NATALIE WARD: And he did not.

CHRIS LAMB: So, clearly—

The Hon. NATALIE WARD: According to the recruiter, he did not have that experience. Did you discuss that aspect?

CHRIS LAMB: Yes, we did discuss that aspect. As I said, the relative merits of every candidate were discussed.

The Hon. NATALIE WARD: Were the panel made aware of Mr Murray's longstanding relationship with the Premier?

CHRIS LAMB: We did not discuss relationships with any individual, no.

The Hon. NATALIE WARD: That wasn't declared or brought to the panel's attention in any way?

CHRIS LAMB: It wasn't. And, again, neither should it be for an impartial assessment of the merits of applicants.

The Hon. NATALIE WARD: Was the assessment panel made aware of Mr Murray's \$500—or now \$1,500—donation to Ms Haylen's election campaign?

CHRIS LAMB: The assessment panel was not aware of that. And, again, neither should we have been to conduct an impartial assessment.

The Hon. NATALIE WARD: Was the assessment panel made aware of Mr Murray's longstanding relationship with Minister Haylen, including his meeting with her on 4 April?

CHRIS LAMB: I'll give the same answer. We were not aware of that, and neither should we have been to conduct an impartial assessment.

The Hon. NATALIE WARD: Did a member of the assessment panel, the Hon. Verity Firth, declare that when she was a Minister that, in fact, Mr Murray was her chief of staff—sorry, was chief of staff to the Premier?

CHRIS LAMB: We did talk about the time lines, and that was one of the things that Ms Firth did declare—that they had worked in the same place at the same time and known some of the same people. But it was not declared as a conflict.

The Hon. NATALIE WARD: I just have one last question. Is it consistent with the merit-based process, as you understand it, under rule 17, for the chief of staff of a Minister's office to interfere in that process or not?

CHRIS LAMB: I would say two things. First of all, I would need to take advice as to whether what you've described classifies as "interference". But, in the event that it does, then it would not be reasonable for the chief of staff to interfere in a process. But I do want to clarify that I'm not clear that the intervention you've described would classify as interference. I'm happy to check that.

The Hon. NATALIE WARD: I can assist. Specifically getting him an interview—

The Hon. Dr SARAH KAINE: Time.

The CHAIR: Order!

The Hon. NATALIE WARD: —bumping him up a level and ensuring that he got to the final two.

CHRIS LAMB: I can take advice on that.

The Hon. MARK LATHAM: Mr Lamb, how many of these panels are you aware of, or you've been part of, where there's a former Minister or member of Parliament who's clearly a close factional and party ally of the Minister who's ultimately responsible for the appointment of a department secretary?

The Hon. Dr SARAH KAINE: That's not correct. They're not factional allies.

CHRIS LAMB: I'm not aware whether your categorisation of Ms Firth is accurate or not, but it would not be unusual to have people with experience in governments or experience in the portfolio to sit on a panel.

The Hon. MARK LATHAM: Alright. What was Verity Firth's experience in the portfolio?

CHRIS LAMB: I would say, based on my understanding, her experience was to assess some of the things I identified before: stakeholder relationships, knowledge of government and those types of things.

The Hon. MARK LATHAM: They're not portfolio things, are they? Wasn't she education, not transport?

CHRIS LAMB: I don't believe that the specific portfolio was to be represented by Ms Firth. We did have another industry expert on the panel who provided the expertise.

The Hon. MARK LATHAM: But how independent is the process when a close party and factional ally of the Minister is there, obviously raising the question? Is she there to do the bidding of the Minister?

CHRIS LAMB: I'm not able to comment on the make-up of the panel. I was not asked to provide advice on who should be on the panel. I was simply invited to be a member of the panel.

The Hon. MARK LATHAM: No, but you're part of a panel and you'd like it to be independent, wouldn't you?

CHRIS LAMB: The process we went through during that meeting I was satisfied was an independent and meritorious process.

The Hon. MARK LATHAM: Right. What evidence did you have placed before the panel that was verified as to the sort of work that Mr Murray had done at Laing O'Rourke?

CHRIS LAMB: So we had a summary report from NGS Global which included some detail about some of the examples he had provided in his interview. We had his CV and we had his cover letter.

The Hon. MARK LATHAM: But what was verified to say that all of that was accurate? Because obviously NGS wasn't satisfied that he had the necessary qualifications. They said he was high risk and, I suppose, reading between the lines—I don't want to be unfair to Mr Murray, but reading between the lines of the NGS

material, they made him out to be a bit of a corporate affairs flunky who had no direct involvement in the design, construction or operational performance of the infrastructure that that company actually builds.

CHRIS LAMB: The way a recruitment process runs is that the verification of statements, credentials et cetera happens after the decision is made or the recommendation is made to the Premier. It would not be normal to go through a verification process of people's qualifications before they are presented to an assessment panel.

The Hon. MARK LATHAM: So what has been the verification for Mr Murray, given he got the job?

CHRIS LAMB: Again, I was not involved in that process. My understanding is that reference checks were completed and provided as part of the report.

The Hon. MARK LATHAM: Who were his referees, given that they weren't from Laing O'Rourke? We know that on evidence earlier today.

CHRIS LAMB: I have not seen who his referees were. I can take that on notice and see if I can provide that.

The Hon. MARK LATHAM: Did you read the NGS report and think, "It's a bit of a waste of time to be interviewing this guy," because clearly they've downgraded his capacity to do the job and he's not qualified in any shape or form? When someone's described as "high risk" for a \$180 billion transport sector in New South Wales, why would you even be interviewing someone that risky?

CHRIS LAMB: The purpose of an assessment panel is to go well beyond just reading the report that is provided and to have a discussion about the relative strengths and areas to explore. On exploration of the different candidates, there were some candidates who sounded really good on paper who after discussion weren't recommended for interview and some candidates who maybe didn't quite sound as good on paper who were recommended for interview. That's the process of having four people in the room with different backgrounds, different experience to talk about their relative strengths and weaknesses.

The Hon. MARK LATHAM: But you've got no referees or references from Laing O'Rourke; you've got a scathing report about Mr Murray from NGS. What evidence can you provide to this Committee that he has been involved in the design, construction, operational delivery and performance of any major infrastructure projects rather than doing what corporate affairs managers do in all of these big organisations? They just stick to communications, lobbying and media management.

CHRIS LAMB: As I said in my opening remarks, my involvement in the process concluded at the end of the assessment panel meeting. I don't have details about the referees that were provided, who they were from or their verifications. That was something that the commissioner was involved in, and I'm happy to take on notice and see what we can provide.

The Hon. MARK LATHAM: You can't provide any of that detail. You've been through this process on the assessment panel. You can't provide any of that detail about Mr Murray and his role at Laing O'Rourke to this Committee.

CHRIS LAMB: It would be normal, and was the case in this instance, that that information is sought at a later stage in the selection process and would never be sought prior to an assessment panel meeting.

The Hon. NATALIE WARD: No references?

The Hon. MARK LATHAM: No references. Is that in the SO 52 documents, all of that? No? Just to come back to it, sorry, Chair—

The CHAIR: No, you're right.

The Hon. MARK LATHAM: You'd be confident that material should exist that apparently hasn't been provided in the call for papers from the upper House. How would you possibly explain that? If you're saying it was all verified later on, where are the documents providing the verification?

CHRIS LAMB: Well, I did not receive the SO 52 request so I couldn't comment on the specifics there.

The Hon. MARK LATHAM: You don't know. Your expectation is there's subsequent verification.

CHRIS LAMB: Whether or not those are subject to privacy arrangements, I'm not sure. But those documents, I would expect, do exist, yes.

The Hon. DAMIEN TUDEHOPE: Was it the remit of the assessment panel that you would come up with four names only?

CHRIS LAMB: No, there was no prescription about the number of names that we should put forward.

The CHAIR: To clarify, were there eight applicants put forward for your assessment?

CHRIS LAMB: Just let me check that. I believe there were nine. There were nine, yes.

The CHAIR: For those of us who have never been on a panel like that before, I'm trying to understand how it works. When were you informed that you were on that particular panel? Are you on every one of these sorts of panels for this level of appointment?

CHRIS LAMB: Each panel construct is determined for that particular panel, so no, I am not automatically on those panels. As I said in my opening—just let me check—it would have been late April that I was advised by Ms Lo that there would be a two-stage process and that I would be a member of the assessment panel.

The CHAIR: You then received from NGS—do they package up each applicant? What do you get in respect of each applicant?

CHRIS LAMB: Yes. So, on 13 and 14 June, in two separate emails—because there are a lot of zip folders attached with CVs and et cetera—I received a report dated 7 June, which is called the shortlist recommendations report, which included NGS Global's summary of each applicant, talked about their experience, their leadership capabilities, their motivations for the role, that type of thing. And then we also received the cover letter that the applicant had provided and their resumé.

The CHAIR: Would you normally expect NGS to have conducted probity checks at that point?

CHRIS LAMB: I would not expect NGS to have conducted probity checks at that point. It would be highly unusual for them to do that.

The CHAIR: At what point in the process does that normally occur?

CHRIS LAMB: That would occur at a point in the process where you're basically down to a final candidate or a final, maybe, couple of candidates, and you would be doing those checks as part of that process.

The CHAIR: Before the appointment has been decided, you would get those probity checks in with checking the very basic things around the conflicts of interest they might have, whether they've got a licence, confirming their birth date, things like that?

CHRIS LAMB: Let me just address the conflicts of interest one separately. But in terms of reference checks, if there are any relevant licences, memberships, those types of things, yes, they would occur. Conflict of interest is a different category, because a conflict of interest can only apply when somebody is in a role. So, the process under the GSE where you would identify a conflict of interest is at the time that you are appointed and you would be required to declare those conflicts of interest, so that would not occur before a decision is made.

The CHAIR: Okay, but the basic probity checks would happen before you made an offer to somebody to have them into that role?

CHRIS LAMB: Before any formal offer was put to someone, yes, you would do those checks.

The CHAIR: There's a memo from Peter Duncan that was, I believe, sent to—I'm not sure who it was sent to but it's dated 26 April. It's in one of the documents that was returned through the SO 52. It's "Briefing for the acting secretary in relation to options for the recruitment of Secretary of Transport for NSW" and it sets out much of what you said at the beginning in your opening statement about the choices. In that document, that is where the recommendation is made that yourself as well as Carmel Tebbutt—who we know doesn't end up being a member of that panel—and also Dianne Leeson and Phil Davies would be appointed to that assessment panel. Phil Davies then gets replaced by Ken Mathers. Do you know how that happened?

CHRIS LAMB: I am not aware of that email and I'm not aware how those decisions to replace individual members were made, no.

The CHAIR: Who did make those decisions? Would that have been Peter Duncan?

CHRIS LAMB: I think that would be a question best put to Peter Duncan.

The CHAIR: Understood. Similarly there are four people proposed for the evaluation panel in that initial briefing, including Robyn Kruk—as an independent panel member, it says here—but who it doesn't appear was on that final evaluation panel. Do you know how that came about?

CHRIS LAMB: No. Again, I had no involvement in the make-up of the panel. That would be a question for Mr Duncan.

The CHAIR: Given your experience—how many of these panels would you have been on? How many of these processes would you have taken part in, do you think?

CHRIS LAMB: For secretary recruitment or recruitment panels in this sector in general?

The CHAIR: In general.

CHRIS LAMB: I have only been in this sector for three years. It would be more than 10, probably less than 20.

The CHAIR: And at secretary level?

CHRIS LAMB: This one was the first panel that I had been involved in at secretary level.

The CHAIR: Do you think that because this could have been a direct appointment rather than a merit-based appointment there was a slightly different attitude taken by the assessment panel to the candidates in front of them?

CHRIS LAMB: I don't believe so at all. I think once the panel was advised that it was a merit selection process, the panel discharged their duties in accordance with the guidelines for merit selection.

The Hon. Dr SARAH KAINE: Thank you, Mr Lamb. I want to clarify a few things. We've gone through some of the members of the assessment panel. I understand that Dr Marianne Broadbent from NGS Global was on the assessment panel?

CHRIS LAMB: She was in the meeting. She was presenting the candidates. She wasn't a member of the assessment panel per se.

The Hon. Dr SARAH KAINE: So she was there to provide that context.

CHRIS LAMB: To present the candidates, yes.

The Hon. Dr SARAH KAINE: You say, I think it might have been in your opening statement, that it was a consensus shortlist?

CHRIS LAMB: Yes.

The Hon. Dr SARAH KAINE: So all of the panel members—there was no minority report. Everyone came out agreeing to those four?

CHRIS LAMB: That's correct. It was a consensus view of the panel members that there were four applicants that we would put forward and Mr Murray was one of those four.

The Hon. Dr SARAH KAINE: Just a process question for clarification. In terms of when the interview list is decided, is it the role of the assessment panel to create that interview list? It's not created before the assessment panel meets?

CHRIS LAMB: I just want to be clear on the language here. Obviously, all the candidates were interviewed by NGS Global. So that's an interview. The assessment panel had no involvement in any of those. It was the job of the assessment panel to receive the report provided by NGS Global, discuss the relative merits of the candidates and recommend a number of candidates proceed to the evaluation stage, which also was an interview and then some additional assessment as well.

The Hon. Dr SARAH KAINE: So it's the assessment panel's role to come up with that list that goes on to that further evaluation?

CHRIS LAMB: Correct.

The Hon. Dr SARAH KAINE: That's where we end up with those four names.

CHRIS LAMB: Correct.

The Hon. Dr SARAH KAINE: Again, in your opening statement you talk about being satisfied that there was an independent merit-based process that was followed for this appointment. Can you detail what makes you so sure that it was merit based in this case?

CHRIS LAMB: Sure. I think the first thing is that we had a job description with an agreed set of capabilities that we were going to assess against. We had a diverse panel of people involved in that discussion. And we had a very robust discussion about the relative merits of each candidate. We went back and forth through the session, and at the end we had a good discussion about the ones that we would put forward and agreed on consensus that we would put forward those four.

The Hon. Dr SARAH KAINE: Going to that process under the Public Sector Capability Framework, it's true, isn't it, that you were looking for fit with those capabilities rather than necessarily an exact match for tasks for a job?

CHRIS LAMB: Correct. We assessed against the capabilities identified for the role that are identified through the Public Sector Capability Framework.

The Hon. Dr SARAH KAINE: Could you give an example?

CHRIS LAMB: Sure. Let me go to the position description. So identified for this role, examples would be working collaboratively, commitment to customer service, influencing negotiation skills, delivering results, planning and prioritising, demonstrating accountability—that type of thing.

The Hon. Dr SARAH KAINE: Is it fair to say that you formed a view of the final four, after your two hours of discussion and arriving at consensus, that those final four best matched their experience, their skills, their capabilities, and best matched the Public Sector Capability Framework for the role of secretary?

CHRIS LAMB: That's correct.

The Hon. Dr SARAH KAINE: So all of those, including Josh Murray, met those capabilities. The best from the comparative—

CHRIS LAMB: Yes, I would describe it as best because it would be a utopia for candidates to meet every single criterion in every single situation, but they were the best matched to the criteria.

The Hon. Dr SARAH KAINE: I think you spoke about it earlier. In other words, Mr Murray might not have scored as high on some things, but the other candidates didn't score as high and he scored higher on others. So they were all weighted in that consideration of the capability framework.

CHRIS LAMB: During our discussion, yes, we assessed the relative merits of each candidate against all of the capabilities, and the ones who were the best fit overall were recommended to proceed to the next stage.

The Hon. Dr SARAH KAINE: Just checking that I have this right: According to GSE rules, there is a requirement to consult with the Minister throughout the process of appointment of the secretary.

CHRIS LAMB: I want to check the wording on that to be very clear, to see if it does describe exactly when the consultation is. I can't see that it defines a particular time. It just says:

- (1) Before a person is appointed as the Secretary of a Department a report relating to the proposed appointment is required to be provided to the Minister—

In this case, the relevant Minister for the GSE Act is in fact the Premier. One of the requirements of that is consultation with the relevant Minister.

The Hon. Dr SARAH KAINE: I want to understand a bit more about the PSC approach to this kind of recruitment process and panel when it goes down this path. How many recruitment processes have the PSC recommended NGS Global be involved with for SES appointments over the last two years?

CHRIS LAMB: I'd have to take that on notice. I don't know.

The Hon. Dr SARAH KAINE: If you could get that back to us, that would be great.

CHRIS LAMB: Sure.

The Hon. Dr SARAH KAINE: Could you also take on notice, perhaps, the cost per each of those recruitments, and could we be given those reports?

CHRIS LAMB: We could certainly provide the costs on notice. Are you asking for the individual candidate reports as well?

The Hon. Dr SARAH KAINE: The reports of those recruitment processes that have been undertaken in the past two years.

The Hon. NATALIE WARD: Point of order: The terms of reference for this inquiry relate to this recruitment process, not other various recruitment processes. I think that it's not appropriate to the terms of this inquiry to muddy the water with other recruitment processes.

The Hon. Dr SARAH KAINE: To the point of order: As per discussions in our deliberative, comparative information is very useful when considering current processes and future processes. I argue that it would be useful for us to understand how this process compared with others, given that the questioning of the Hon. Damien Tudehope was that this was an unusual circumstance.

The CHAIR: The terms of reference do make it clear that we are inquiring into the issues more generally as well. I will allow the question.

CHRIS LAMB: I'm happy to provide on notice the times we have used NGS Global and the costs of those. I will have to take advice on what level of detail we can provide about the specific recruitment processes and the reports.

The Hon. Dr SARAH KAINE: In your experience, I think you mentioned you'd been on about 10 of these—

CHRIS LAMB: I think I said more than 10, fewer than 20 would be my estimate.

The Hon. Dr SARAH KAINE: Would you expect to only apply a recruiter's assessment of skills and abilities—you had Dr Broadbent providing information—or is it that you then as a panel conduct your own analysis and considerations?

CHRIS LAMB: It is very much that the panel conducts our own discussion and assessment. The recruiter's perspective in any recruitment process is of course valuable, and they do a lot of the collation of the information and the early screening of those. But that is only one part of the process. The assessment panel, of course, had to assess the relative merits, as did the evaluation panel when it went to that stage as well.

The Hon. MARK BUTTIGIEG: What was the process, then, that led to Murray making the final cut? The implication from the various questioning is that there was some sort of interference to get him on the list. Do you want to walk us through what got him from the broader NGS pool, if you like, in your assessment—because they provide a potential pool and a shortlist, but then your job is to go, "Hang on a minute. This person looks like they might be suitable as well." Can you talk us through that?

CHRIS LAMB: It's a discussion process that we went through. We talked about the report. We asked questions of Dr Broadbent for things that, perhaps, she had seen in the interview that hadn't made the summary report. We discussed the types of experiences that each of the candidates had. We talked about, obviously, our assessment against the capabilities that had been identified for the role and how we felt they stacked up. Ultimately, after weighing up all of those things, the final part of the conversation was to revisit each candidate and compare them against the criteria and against each other and make that final recommendation.

The Hon. MARK BUTTIGIEG: Did anyone direct you or the panel at any stage to insert Mr Murray?

CHRIS LAMB: Absolutely not. As I said in my opening remarks, there was no discussion about anybody pushing Mr Murray's candidacy in that meeting.

The Hon. MARK BUTTIGIEG: At that stage, there was this mix up, we heard in evidence this morning, of the EQ test—the emotional intelligence test. Did you have that at the time?

CHRIS LAMB: We did not have that at the time. That was part of the second stage of the recruitment process. I was not aware of that mix up until I heard Mr Murray mention it shortly before.

The Hon. MARK BUTTIGIEG: But you did have this evaluation summary that was provided by NGS, where they said that Josh took on personal responsibility to contribute to the improvement of the business by focusing on morale and performance in his people function, which resulted in the family keeping the business.

CHRIS LAMB: Let me check what specifically was in the document.

The Hon. DAMIEN TUDEHOPE: Was that the 7 June report?

The Hon. MARK BUTTIGIEG: It was 27 June.

CHRIS LAMB: I do not have, and did not see, the 27 June report. I have the 7 June report. It was about the decision to hold onto the business as a family; is that what you said?

The Hon. MARK BUTTIGIEG: Yes, that's right. There's a statement here from NGS where—

CHRIS LAMB: Yes, there is a similar statement in the report that we have from 7 June as well.

The Hon. MARK BUTTIGIEG: There's a bit of an incongruence between NGS talking him up there and the earlier at-risk thing. There seems to have been some confusion in their view of him, and it subsequently changed, I think, after they interviewed him. That's the evidence we heard from Mr Murray.

CHRIS LAMB: Which would not be unusual in any recruitment process. As you get to know a candidate better, some people who initially appear outstanding drop down the list and some people who initially appear a little bit unclear can come up the list.

The Hon. MARK BUTTIGIEG: And part of your vetting process is to give a bit more nuance to that and pick people accordingly, based on that earlier development.

CHRIS LAMB: Given that we don't see any of those earlier—well, I didn't see, and the assessment panel didn't see, any of the earlier versions. We came into that meeting not knowing that Mr Murray had changed in an assessment of the recruiter. We came in with the report of 7 June. That was all we had and that was all we saw. We reviewed that report, we questioned Dr Broadbent about each of the candidates in there, we assessed them against the capabilities identified for the role and against each other, and then we recommended those four.

The Hon. MARK BUTTIGIEG: Just to be clear, there was no outside correspondence or interference from anyone from the Minister's office or anyone else to insert Mr Murray?

CHRIS LAMB: I was not aware that there was any connection with the Minister's office. It was not discussed in the meeting that there was any connection with the Minister's office.

The Hon. NATALIE WARD: Can I just clarify one point on that—a final question. Were you aware, during the recruitment process, whether any candidate was informed that the Minister for Transport's view about who she could best work with would play a significant role in the selection?

CHRIS LAMB: I was not aware of that at any point in the process, no.

The Hon. NATALIE WARD: Or candidates being informed that her view would be the final view?

CHRIS LAMB: No, I was not aware that candidates had had any contact with the Minister's office.

The Hon. NATALIE WARD: Or that it was conveyed to them that it was a requirement that they needed to be able to have good communication with her?

CHRIS LAMB: It would not be unreasonable for someone to say, "Your ability to communicate with the relevant Minister is an important part of a secretary's role." But I'm not aware that that was communicated to any candidates individually or that specifically.

The Hon. NATALIE WARD: Or that ultimately she would form that view.

The Hon. Dr SARAH KAINE: Chair, it is the end of our time.

The CHAIR: Okay, we have unfortunately run out of time. If you wanted to take any of that on notice, please do. To the extent that you have taken questions on notice or there are supplementary questions delivered to you, you'll have 21 days to respond, but the Committee secretariat will be in touch. That does conclude this part of our hearing for today. We are taking a break and we'll be back at 1.00 p.m.

CHRIS LAMB: Chair, can I just make one comment? I will provide this to Hansard. Just a request—given that my opening statement said I have no awareness of the recruitment process for the Cross-Border Assistant Commissioner, it would be wonderful if you were able to excuse me from the witness list tomorrow. If not, I understand and am happy to attend.

The CHAIR: Thank you. We'll consider that in our deliberative. We'll be back at 1.00 p.m.

(The witness withdrew.)

(Luncheon adjournment)

Mr SCOTT GARTRELL, Chief of Staff, Office of the Minister for Transport, affirmed and examined

The CHAIR: We now welcome our next witness. Would you like to begin by making a short opening statement?

SCOTT GARTRELL: No, I have no statement to make. I'm here to assist the Committee.

The CHAIR: In which case, we will start with questions from the Opposition.

The Hon. NATALIE WARD: Thank you for coming along this afternoon, Mr Gartrell. Have you conferred with any other witnesses about your evidence today?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: Did you watch the proceedings this morning?

SCOTT GARTRELL: I did.

The Hon. NATALIE WARD: Have you discussed your evidence with Jo Haylen?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: Not at all?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: And prepared with anybody else here?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: Okay. We do have—

The Hon. DAMIEN TUDEHOPE: Where is Jo Haylen?

SCOTT GARTRELL: She's the Minister for Transport. She's out doing her work—

The Hon. DAMIEN TUDEHOPE: Yes, but where is she now?

SCOTT GARTRELL: I'm not aware. I've been focusing on—

The Hon. DAMIEN TUDEHOPE: You're her chief of staff and you're telling me you don't know where she is?

SCOTT GARTRELL: I can look in the diary and tell you where she is. She has appointments today.

The Hon. DAMIEN TUDEHOPE: But there was an opportunity for her to attend today and—

SCOTT GARTRELL: I'm her chief of staff, not her minder.

The Hon. DAMIEN TUDEHOPE: Thank you for your advice. But you tell me that you don't know where she is today and why she hasn't attended this inquiry?

SCOTT GARTRELL: This morning she had a press conference at Central station. I'm aware she has other appointments this afternoon—briefings from the department. Apart from that, I'd need to get her diary and have a look and tell you.

The Hon. NATALIE WARD: Do you have a ministerial phone on you that's provided by DPS—

SCOTT GARTRELL: I don't have a phone on me, no.

The Hon. NATALIE WARD: So you don't have her diary? You don't carry that around with you like most chiefs of staff?

SCOTT GARTRELL: No, I don't. It's in the phone—

The Hon. NATALIE WARD: You don't care where she is?

SCOTT GARTRELL: It's in the phone. When I have the phone, I can look at it.

The Hon. NATALIE WARD: Okay. If she's having briefings, she couldn't possibly move those departmental briefings from her department to come and attend the upper House inquiry today?

SCOTT GARTRELL: I think she's given a statement about her response to the invitation from the Committee.

The Hon. NATALIE WARD: That she's not attending.

SCOTT GARTRELL: That's as I understand it, yes.

The Hon. NATALIE WARD: Right. You signed the certification for production of documents to the upper House after we had to go through that process and call for papers in relation to the Standing Order 52. Has everything been produced?

SCOTT GARTRELL: Yes, to my knowledge.

The Hon. NATALIE WARD: Well, you signed the certification.

SCOTT GARTRELL: I did, yes.

The Hon. NATALIE WARD: Did you say on the certification "to my knowledge"?

SCOTT GARTRELL: No, I signed the certification.

The Hon. NATALIE WARD: Saying that everything had been produced.

SCOTT GARTRELL: That's correct.

The Hon. NATALIE WARD: Thank you. You accept that the Standing Order 52 terms were wide enough to include declarations?

SCOTT GARTRELL: I don't know that I considered declarations and I don't understand the distinction, if you could help me with that.

The Hon. NATALIE WARD: The terms of the Standing Order 52 were wide enough that, should there have been declarations, they would have been produced, you would have thought, in the normal course.

SCOTT GARTRELL: Yes.

The Hon. NATALIE WARD: Can we infer that because none were produced to the upper House that none were made or produced?

SCOTT GARTRELL: That sounds correct.

The Hon. NATALIE WARD: No declarations of conflict of interest?

SCOTT GARTRELL: Yes.

The Hon. NATALIE WARD: When did you first become aware that Rob Sharp was to be terminated as secretary?

SCOTT GARTRELL: I think in about the second week. It wasn't long prior to his termination. It was in the days prior to that.

The Hon. NATALIE WARD: And you had discussions at that time about who you thought might be good to replace him?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: You had no discussions about who might replace Rob Sharp?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: You're the chief of staff to the transport Minister and you do not discuss with the transport Minister or anyone else who you think might be a good replacement?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: Why was that? You were just going to leave it to the process?

SCOTT GARTRELL: That was too early at that point. We were still considering—the Minister was still considering what she would do. There were discussions that she had, I think, with the then head of the Department of Premier and Cabinet, Michael Coutts-Trotter, and then subsequently with his successor, Peter Duncan. But, no, not at that point.

The Hon. NATALIE WARD: Did you send the job ad to Michael Coutts-Trotter as well?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: Thank you. The meeting on 4 April between Minister Haylen and Mr Murray—were you at that meeting?

SCOTT GARTRELL: I was.

The Hon. NATALIE WARD: Who initiated that meeting?

SCOTT GARTRELL: I think I might have requested it, but I think it was one of my staff who actually made the contact.

The Hon. NATALIE WARD: Your staff made the content of the meeting, but you initiated the meeting to say, "Hey, let's get Josh Murray in here to have a chat"?

SCOTT GARTRELL: Yes, I was—I mean, we were looking, at that point, to talk with a whole range of stakeholders. There were limited opportunities to do it, given the early part of—that we were very early in the term, lots of briefings from the department. I recommended Josh. You know, his qualifications as a former chief of staff—

The Hon. NATALIE WARD: Thank you.

SCOTT GARTRELL: —and as a person with quite significant infrastructure experience made him a pretty useful person to talk to early on.

The Hon. NATALIE WARD: So you were busy at that time, but you bumped him up within the first two weeks of her being sworn in to make sure he got in to have the meeting, in that flurry?

SCOTT GARTRELL: I don't think I bumped him up. He was one of a number of people that we—that the Minister met with.

The Hon. NATALIE WARD: Sure. What was discussed at that meeting?

SCOTT GARTRELL: His views. His views on what the priorities should be for the Minister, his views on the state of the industry. I think we asked him about how effective he thought the department was as a procurer, how efficient. I think we talked to him about the state of the market. You know, there were issues that he was familiar with as a representative of one of our major infrastructure companies.

The Hon. NATALIE WARD: And how would you describe your relationship with Mr Murray?

SCOTT GARTRELL: Professional.

The Hon. NATALIE WARD: How often did you catch up?

SCOTT GARTRELL: I saw Josh on 4 April. I last saw him before that around the middle of the year last year and prior to that would have been some years prior to that. We both worked in infrastructure companies in the early part of the last decade, and I would have seen him around industry. But, apart from that, not much.

The Hon. NATALIE WARD: You were friends?

SCOTT GARTRELL: No. I wouldn't describe us as friends, no. I mean, we're friendly, we've got a professional involvement, but not beyond that.

The Hon. NATALIE WARD: You were friendly enough to send text messages?

SCOTT GARTRELL: I did send him a text message, yes.

The Hon. NATALIE WARD: Just one?

SCOTT GARTRELL: Yes, about—

The Hon. NATALIE WARD: Just one text message?

SCOTT GARTRELL: About—

The Hon. NATALIE WARD: That is your evidence to this Committee, that you sent him one text message?

SCOTT GARTRELL: I sent Josh one text message about the advertisement that was, as you know—which we've produced, which was—

The Hon. NATALIE WARD: Under order from this House, yes.

SCOTT GARTRELL: Yes.

The Hon. DAMIEN TUDEHOPE: No others?

SCOTT GARTRELL: Not to my knowledge. I've received text messages from him. I can't recall—in the context of this inquiry, I can't recall any other texts. I know I've received one from him, but I don't recall others, no.

The Hon. NATALIE WARD: You sent one that talked about you "checking in". That's at least two that have been produced to the House on the order that you signed the certification for.

SCOTT GARTRELL: I thought he sent that to me, actually. I think I might have rung him and he might have responded. That's my understanding of the order of the—

The Hon. NATALIE WARD: It's all just a bit hazy right now?

SCOTT GARTRELL: No, it's not hazy, but I think the order of it was that I had rung him and left a message and he'd responded to me, I think.

The Hon. NATALIE WARD: Did you also attend the political fundraisers that he attended?

SCOTT GARTRELL: I don't know what fundraisers he attended, apart from the one that he gave evidence on this morning—and, yes, I was at that fundraiser.

The Hon. NATALIE WARD: And you paid for that also, the \$500 or the \$250?

SCOTT GARTRELL: No, I paid more than that because I hosted a table.

The Hon. NATALIE WARD: Who was on your table?

SCOTT GARTRELL: Two of my children, their partners, my mother—

The Hon. NATALIE WARD: Wow. It's an expensive dinner at \$250 a head, isn't it?

SCOTT GARTRELL: It was a significant donation, yes.

The Hon. NATALIE WARD: And Josh Murray was there. Was he on your table?

SCOTT GARTRELL: Josh wasn't on my table, no.

The Hon. NATALIE WARD: But he was there?

SCOTT GARTRELL: Yes.

The Hon. DAMIEN TUDEHOPE: You're aware, are you not, that Mr Murray and the Premier are good friends?

The Hon. Dr SARAH KAINE: Point of order—

The CHAIR: I will hear the point of order.

The Hon. Dr SARAH KAINE: I think that Mr Tudehope is trying to deduce that from evidence this morning. I don't think it was noted that they were good friends. I think they were acquaintances that occasionally bumped up against each other at social functions.

The CHAIR: The witness is able to clarify and to—

The Hon. NATALIE WARD: Who are you protecting?

The CHAIR: Order! The witness is capable and able to question the premise of the question. I will allow the question. Please continue but be careful.

The Hon. NATALIE WARD: Stop running cover.

SCOTT GARTRELL: I'm not—

The Hon. PETER PRIMROSE: Okay. Maybe we should start talking about Greg Pearce.

The CHAIR: Order!

SCOTT GARTRELL: I have no knowledge of their relationship.

The Hon. NATALIE WARD: You go there. Go your hardest. Go as much as you like. I've sued on it.

The Hon. PETER PRIMROSE: We will.

The Hon. DAMIEN TUDEHOPE: You say you heard this morning's evidence.

SCOTT GARTRELL: I did.

The Hon. DAMIEN TUDEHOPE: So that all came as a surprise to you. Is that it?

The Hon. NATALIE WARD: Very low of you, Peter.

The CHAIR: Order! If we continue this talking across the table—

The Hon. NATALIE WARD: I'm sorry. The honourable member was trying to attack me across the table.

The CHAIR: Order! Just—enough of it.

SCOTT GARTRELL: Could you repeat the question?

The Hon. NATALIE WARD: That's how desperate they are.

The CHAIR: Order! Can you please ask the question again, Mr Tudehope?

The Hon. DAMIEN TUDEHOPE: The first time you were aware of the relationship between Mr Minns and Mr Murray was this morning. Is that what you're telling me?

SCOTT GARTRELL: No. I think you asked me if they were friends. I wasn't aware that they'd had a lot of contact. I wasn't surprised that they knew each other. They worked together; I knew that. I wasn't familiar with their ongoing contact. I'm aware of Josh's partner's own career and relationship. I wasn't aware until I heard that this morning, no.

The Hon. DAMIEN TUDEHOPE: So the fact is this, isn't it? You, in fact, sent a copy of the job advertisement to Mr Murray.

SCOTT GARTRELL: Among others, yes.

The Hon. DAMIEN TUDEHOPE: Who were the others?

SCOTT GARTRELL: Two other people who declined to apply.

The Hon. DAMIEN TUDEHOPE: Who are they?

SCOTT GARTRELL: I'm not revealing. That's a matter between them and me.

The Hon. DAMIEN TUDEHOPE: Have you produced those text messages as part of the SO 52 response?

SCOTT GARTRELL: The only one relevant was the one that I produced.

The Hon. DAMIEN TUDEHOPE: Well, when you take the view that it is only relevant, these were a copy of a job advertisement for the Secretary of Department of Transport. You say that that was not relevant to this inquiry.

SCOTT GARTRELL: These were people who made no application.

The Hon. DAMIEN TUDEHOPE: They may have made no—but you formed the view that they're not relevant to this inquiry. Is that what you're telling us?

SCOTT GARTRELL: I did not produce the text to anybody else, except one that I produced in relation to Josh. That's correct.

The Hon. NATALIE WARD: For a job ad for this role.

SCOTT GARTRELL: That's correct.

The Hon. DAMIEN TUDEHOPE: And you certified that you had produced all documents that were in your possession that were relevant to this inquiry.

SCOTT GARTRELL: The people concerned did not make an application for the job.

The Hon. DAMIEN TUDEHOPE: Mr Gartrell, it is irrelevant—

The Hon. MARK BUTTIGIEG: Point of order—

The CHAIR: I'll hear the point of order.

The Hon. NATALIE WARD: Running cover.

The Hon. MARK BUTTIGIEG: The inference is that the witness is somehow obfuscating the truth. The witness has clearly stated that he believes he's complied with the order because the applications which were not submitted were not relevant to the inquiry. He's answered the question.

The CHAIR: In relation to the point of order, I'm not sure if the witness has the text of the SO 52 order in front of him. We should keep that in mind when asking questions.

The Hon. DAMIEN TUDEHOPE: At some stage, NGS were appointed. Were you aware that they were the recruiters for this position?

SCOTT GARTRELL: Not until I saw what would have been the first of the reports on who had applied. I saw two copies of their reports.

The Hon. DAMIEN TUDEHOPE: How did you come into possession of that report?

SCOTT GARTRELL: I was sent a copy by the Department of Premier and Cabinet.

The Hon. DAMIEN TUDEHOPE: Who from Department of Premier and Cabinet?

SCOTT GARTRELL: Dianne Leeson.

The Hon. DAMIEN TUDEHOPE: So she sent you a copy of a report. Why did she send it to you?

SCOTT GARTRELL: If I scroll back, the Minister and I had a conversation with Peter Duncan prior to the commencement of the process outlining the process that he was going to take. He told us about the fact that there would be two—an assessment panel and an evaluation panel—and he discussed possible members of those panels. He asked the Minister for her views about who might be an independent person for one of them and indicated that he would involve our office from time to time as the process proceeded.

The Hon. NATALIE WARD: Why did you tell Dianne Leeson that NGS Global should interview Josh Murray despite them saying in that report that, in their professional judgement, he didn't have the requisite level of operational complexity experience for this role?

SCOTT GARTRELL: Di sent me the report and asked for my feedback on the report. The report was categorised into candidates to be interviewed.

The Hon. NATALIE WARD: Yes, I have the report. Just why did you direct or say or suggest that he be interviewed?

SCOTT GARTRELL: If I can finish my answer, the report was categorised into, I think, three or four sections: to be interviewed, a second list that was a reserve list and a third list that was under review. I looked at the interview list. I thought that the list indicated that the recruiter hadn't really fully understood the brief. I then looked at the remainder of the list. I recognised about three names of people, and I knew one wasn't interested in proceeding in applying for the job. I knew that separately. The other two were Josh Murray and Andy Byford. Andy had been a senior executive in—

The Hon. NATALIE WARD: Sorry, Mr Gartrell, we're very limited for time. If you could just direct your answer to my question—

SCOTT GARTRELL: I'm answering your question.

The Hon. NATALIE WARD: —which is why you asked for Josh Murray to be interviewed.

SCOTT GARTRELL: So in terms of getting some more breadth into the interview group, I suggested to Di in my email that she put those two on the interview list, that she recategorise them.

The Hon. NATALIE WARD: When you told Ms Leeson that you wanted him to get an interview, did you consider that a given that he would now be interviewed?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: You didn't?

SCOTT GARTRELL: No.

The Hon. NATALIE WARD: It was just a suggestion?

SCOTT GARTRELL: It was an early list of possible people to be interviewed. That's what the list was.

The Hon. NATALIE WARD: Do you accept that when a chief of staff to a Minister sends an email to a person in the department saying, "He should be interviewed", there's not a lot of wriggle room there? It is clear that you are sending the Minister's and your intention that he be interviewed. Isn't that correct?

SCOTT GARTRELL: Well, I was asked for my feedback, which I provided. I wasn't the chief of staff to the Premier; I was chief of staff to the transport Minister.

The Hon. DAMIEN TUDEHOPE: But do you agree with me this—that your obligation under the GSE Act is that the Minister should not intervene in the process relating to a merit-based selection of candidates? Isn't that correct?

SCOTT GARTRELL: The Minister wasn't intervening. I wasn't—

The Hon. DAMIEN TUDEHOPE: Were you on behalf of the Minister intervening?

SCOTT GARTRELL: No, it's incorrect.

The Hon. DAMIEN TUDEHOPE: Of course you were. You gave a direction—

The Hon. NATALIE WARD: He should be interviewed.

The Hon. PETER PRIMROSE: Point of order: The honourable member again is doing what he was doing previously with other witnesses. He asks a question and then he seeks to answer it. The witness should be allowed to answer the question.

The CHAIR: In relation to the point of order, could we please allow the witness to answer before we ask another question.

The Hon. NATALIE WARD: When you sent the email, your expectation is that Di Leeson would have acted.

SCOTT GARTRELL: Could I have this question again? I was asked a question—

The Hon. NATALIE WARD: No, we're asking the questions. When you sent the email, it was your expectation that she would act on that. Isn't that right?

SCOTT GARTRELL: No, that's not correct.

The Hon. NATALIE WARD: You didn't couch it in terms of, "It might be good to interview him. You might consider"—you said, "He should be interviewed."

SCOTT GARTRELL: I hoped that he would be interviewed subsequently, but the process was not being run by me.

The Hon. NATALIE WARD: But you didn't say that, with respect.

SCOTT GARTRELL: The process wasn't being run by me; it was being run by the Department of Premier and Cabinet, who then engaged independent public servants and industry experts to make a shortlist and then subsequently to conduct interviews.

The Hon. NATALIE WARD: Mr Gartrell, your email was a clear direction that he be interviewed. It cannot be read in any other way. Isn't that right?

SCOTT GARTRELL: I've answered your question.

The Hon. NATALIE WARD: So your expectation was that she may or may not interview Josh Murray?

SCOTT GARTRELL: I provide feedback to Di indicating that I believed that the two candidates that I added to the interview list should be interviewed.

The Hon. NATALIE WARD: Your words don't accord with that, Mr Gartrell.

The Hon. DAMIEN TUDEHOPE: Di Leeson was on the assessment panel, wasn't she?

SCOTT GARTRELL: I get the two panels a bit confused, I must say, in terms of members.

The Hon. DAMIEN TUDEHOPE: There's an evaluation panel, which was Peter Duncan. When you were communicating with Di Leeson, she was someone on the assessment panel and you were giving her a direction, "This person should be interviewed."

SCOTT GARTRELL: Dianne asked me for advice. I provided it.

The Hon. DAMIEN TUDEHOPE: Can I just go to this? You prepared a Q&A in respect of the appointment, did you not?

SCOTT GARTRELL: I didn't, no.

The Hon. NATALIE WARD: Your office.

The Hon. DAMIEN TUDEHOPE: Well, a process was adopted by your office for the purposes of the Minister answering questions.

SCOTT GARTRELL: Yes.

The Hon. DAMIEN TUDEHOPE: One of the questions related to donations. Did you know about those donations?

SCOTT GARTRELL: No, not at the time. I didn't, no.

The Hon. DAMIEN TUDEHOPE: So who had the input into the process about the donations?

SCOTT GARTRELL: My deputy helped prepare the Q&A with our media team. I think the information can only have come from Josh Murray. So there would've been discussion with him at the time about the likely questions that the Minister might be asked in relation to his appointment. We were appointing a person—

The Hon. DAMIEN TUDEHOPE: Did you raise the issue with the Minister?

SCOTT GARTRELL: I'm answering your question. We were appointing a person—

The Hon. DAMIEN TUDEHOPE: You told me. The answer is Josh Murray

The CHAIR: Order! Can we let the witness finish the answer.

The Hon. NATALIE WARD: We have very limited time, Mr Gartrell.

SCOTT GARTRELL: We were appointing a person with a Labor background. We fully expected hostility from the Opposition and on that basis we were looking to prepare the Minister for all possible questions.

The Hon. NATALIE WARD: Sorry, are you saying transparency is hostility? Is that what you've just said?

SCOTT GARTRELL: I've given you my answer. I won't be characterised by your words.

The Hon. DAMIEN TUDEHOPE: So when you saw the issue relating to that, did you raise that with the Minister?

SCOTT GARTRELL: The donations?

The Hon. DAMIEN TUDEHOPE: Yes.

SCOTT GARTRELL: I don't remember a specific conversation with her about the donations, but we certainly went through the Q&A with her.

The Hon. DAMIEN TUDEHOPE: You agree with me that this would become a serious issue in the event that this became public—the donations by a person she was about to appoint?

SCOTT GARTRELL: No, I don't agree with that. The view we took at the time was that it was not a material issue but was something that she would need to be prepared to respond to.

The Hon. NATALIE WARD: Why were the donations to the Premier omitted from the Q&A?

SCOTT GARTRELL: I was not aware of any donations to the Premier.

The Hon. DAMIEN TUDEHOPE: Well, Mr Murray gave evidence this morning that there were donations to the Premier. If he was giving you information about donations to Jo Haylen's campaign, did he not see it fit to also advise you in relation to other donations?

SCOTT GARTRELL: No.

The Hon. DAMIEN TUDEHOPE: And that was a conversation between you and he?

SCOTT GARTRELL: We were talking specifically in relation to Minister Haylen's campaign. I saw no reason to ask him about anyone else that he'd donated to.

The Hon. DAMIEN TUDEHOPE: Can I be finally clear with you? There is an expectation that the Minister's office—and you understand this, do you not?—that, in relation to a merit-based selection process, there should be no interference by the Minister or the Minister's office in that process? Do you agree with that?

SCOTT GARTRELL: There was no interference.

The Hon. DAMIEN TUDEHOPE: Do you agree with that as a proposition?

SCOTT GARTRELL: There was no interference.

The Hon. MARK LATHAM: The Premier has said that the money paid to NGS Global—\$125,000—turned out to be a waste of money. In hindsight, do you agree with that and it would have been better to just appoint Josh Murray directly?

SCOTT GARTRELL: It's a good question. I think they did a pretty ordinary job, so you wonder whether they earned their money. The fact that Josh came through the process as the best candidate probably wasn't a surprise, but we went out to the market genuinely looking for people we didn't know—people who might come from other parts of the world to help run our system. I think the Premier has commented on this and said that perhaps in retrospect, given that Josh came through the ranks the way that he did, it might have been easier.

The Hon. MARK LATHAM: That's your view and the Minister also, having wasted \$125,000 of public money—

SCOTT GARTRELL: No, I don't—

The Hon. MARK LATHAM: Knowing what you know now, you just would have directly appointed Josh?

SCOTT GARTRELL: No, I didn't say that. I was just saying that I think that we were disappointed that we didn't get candidates from around the world. If you look at the list, there are nearly 50 people on it. I think only eight people applied.

The Hon. NATALIE WARD: That's not true.

The Hon. MARK LATHAM: But that's not the fault of NGS, is it?

SCOTT GARTRELL: The rest were approached. I thought that was disappointing, given the significance of the role.

The Hon. MARK LATHAM: If you wanted Josh Murray, why didn't you appoint him directly?

SCOTT GARTRELL: I think I've answered the question. We were looking to try and get a really world-class field of candidates.

The Hon. DAMIEN TUDEHOPE: He wasn't the best candidate, was he?

The Hon. Dr SARAH KAINE: Chair—

The Hon. MARK LATHAM: At different times he's had a leg-up, hasn't he? You've sent him a text message, "Here's the job advertisement." You'd like to get that from the Minister's chief of staff; that gives you a bit of a head start in any process. You wanted him to be interviewed by the panel—another leg-up for a longstanding Labor donor and staffer. He was obviously the pea, wasn't he?

SCOTT GARTRELL: No, he was a great candidate. We wanted other great candidates as well.

The Hon. MARK LATHAM: That's a bit of a cop-out, isn't it? If you had a great candidate and he was good enough to bring in for the meeting on 4 April and get his advice and he is favoured throughout the process, why didn't you just appoint him directly? Why set up a sham, supposedly independent process that's now brought so much controversy and problems for the Government?

SCOTT GARTRELL: Well, he wasn't at the meeting on the fourth because he was a candidate for the secretary's position. I did send him the ad. I sent it to a couple of other people—executives I had worked with.

The Hon. MARK LATHAM: You must have thought after the meeting on the fourth he was pretty good to send the ad. After the meeting on the fourth, what conversations did you have with the Minister about—

SCOTT GARTRELL: I didn't get a revelation about Josh from the meeting on the fourth. I had known him for some time so my view was well-formed about his capability.

The Hon. MARK LATHAM: But after each of these meetings with experts who have come in and the new Minister listens to them about procurement and other things, what conversations did you have with the Minister? "Well, one or two are obviously pretty suitable to take over from Rob Sharp. We're going to need a new secretary. This has been sort of a de facto interview process. Josh Murray stacks up well." Was that the conversation?

SCOTT GARTRELL: No, I'm not going to talk to you about conversations I've had with the Minister.

The Hon. MARK LATHAM: But it goes to the appointment. That's what this inquiry is about. It's bad enough the Minister won't answer questions. Surely you should. What conversations did you have after these

processes, with these people coming in, including Josh Murray on 4 April? Was it, "He's talented. We need a new secretary. Let's go with him."?

SCOTT GARTRELL: I had no conversation with the Minister about Josh Murray being a candidate for the secretary's position. As to other conversations I had with her, they're—

The Hon. NATALIE WARD: That's just not truthful, is it? That's just not truthful.

The CHAIR: Order!

The Hon. MARK LATHAM: So, unilaterally, you sent him the job ad, though you didn't discuss with the Minister that, "This guy is talented. I'm going to send him the job ad. We should keep an eye on him through this process to help him get the job."?

SCOTT GARTRELL: That's not my characterisation of the process. I said I had sent the job ad to two or three people—three people.

The Hon. MARK LATHAM: But the Minister had no knowledge you were doing that? You just did that unilaterally?

SCOTT GARTRELL: I'm the chief of staff. I get to—

The Hon. NATALIE WARD: Decide.

SCOTT GARTRELL: —act in her name. I had been asked by her to liaise with the department. My actions in distributing that ad were to encourage applicants to put their applications forward to the recruitment company.

The Hon. MARK LATHAM: Sure, but did you discuss that with the Minister beforehand?

SCOTT GARTRELL: No, I did not.

The Hon. MARK LATHAM: After it?

SCOTT GARTRELL: After I had sent the ad? I don't think I had a conversation with her about the fact that I had sent the ad. I may well have had a subsequent conversation about the fact that he had made an application.

The Hon. MARK LATHAM: Well, no wonder you're here and she's not; you seem to be running the office. Good on you to that extent, and you've had the courage to front that she hasn't got, which is a good thing. You said earlier on that you didn't know about the donation by Josh Murray and Davina Langton out of the function at West Ashfield where the new Prime Minister spoke, but you were there with a table at the event. You must have seen Josh Murray, who you've known for many years and had a high regard for him. How can you say you didn't know about the donation?

SCOTT GARTRELL: Well, I was there because I'm a long-term friend of Jo Haylen. That's why I was there.

The Hon. MARK LATHAM: But you must have—

SCOTT GARTRELL: The room was full of Labor people.

The Hon. MARK BUTTIGIEG: Jeez, that's a surprise.

The Hon. MARK LATHAM: Yes, but one of them is Josh Murray. You must have seen him there or said hello or had some recollection he was there paying the same money that you had paid.

SCOTT GARTRELL: Yes, I think I do remember seeing Josh there. I don't think I had a conversation with him. As I said, I had a table of my own and I was—

The Hon. MARK LATHAM: Sure, but you knew he was there and he has paid the money that you've paid to get a spot. It turned out to be \$750. Why didn't you advise the Minister that, "Hey, we have got to declare this because it builds a lingering impression that he has paid the money and he sort of bought this position as head of the transport department, instead of getting it on merit."?

SCOTT GARTRELL: Look, the event was last year. It was so insignificant in my mind that I didn't remember that he had been there.

The Hon. MARK LATHAM: But you remembered it today, just a moment ago.

SCOTT GARTRELL: Yes.

The Hon. MARK LATHAM: This is misleading evidence.

SCOTT GARTRELL: I'm saying to you at the time that I was involved in the process, I did not remember him being—it wasn't a matter that was in my mind. When my deputy raised it with me, having spoken to Josh after he had been selected, we discussed it and decided that it wasn't a material issue, but it was something we wanted the Minister to be aware of.

The Hon. MARK LATHAM: And the Minister should have made the public aware, shouldn't she, just to clear the air and not leave a lingering impression of Labor mates contributing money and then being favoured in a process to get a \$600,000 job?

SCOTT GARTRELL: Well, there was no favour done to Josh Murray.

The Hon. MARK LATHAM: That's not my question. My question is the ethics and the public appearance of squeaky-clean Minns and Haylen, all the things they said about Barilaro before the last election, "new era of clean government". Clean government would have dictated the need to declare these donations from Murray.

SCOTT GARTRELL: I think I've answered that.

The Hon. MARK LATHAM: No, you haven't.

SCOTT GARTRELL: I think I have answered it.

The Hon. MARK LATHAM: It would have been better to declare the money publicly at the time of the appointment, wouldn't it, so there's no lingering doubt?

The Hon. MARK BUTTIGIEG: Point of order: The witness has clearly stated that at the time that was—that function was a year ago, and it didn't trigger a recollection on the subsequent declaration. He has answered the question.

The CHAIR: To the point of order, we're not going to editorialise each other's questions and answers, but if we could allow a bit of time for the answer to occur. Please go ahead, Mr Latham.

The Hon. MARK LATHAM: I just think that it lacks credibility to say that you could remember something today but you couldn't remember it three months ago, closer to when it actually happened. We'll leave that on the record. The money should have been declared for building the reputation of a clean government, shouldn't it?

SCOTT GARTRELL: No. It was an insignificant event, in my mind. That's the view that I took at the time. It was months—

The Hon. MARK LATHAM: So you did remember it at the time?

SCOTT GARTRELL: I'll answer the question.

The Hon. Dr SARAH KAINE: Chair—

The CHAIR: Order!

SCOTT GARTRELL: It was months prior. Many things had happened between then and when that decision was made. Keeping in mind that I was essentially retired last year, farming goats. The event that I went to was of great interest to me. I was back in the city at an event with lots of old comrades. It was a good evening. I wasn't there scouting out talent. It was actually about me supporting a great candidate and reconnecting, in fact, on the night, with the new Prime Minister, who was there in person.

The Hon. MARK LATHAM: I'm glad you broke from farming your goats to go to the function, but I'm still confused about the nature of your memory. Are you surprised that Chris Minns has failed to declare the money that his campaign has received from the Murray household? He must have clearly known that they were there at the function.

The Hon. Dr SARAH KAINE: Point of order: Mr Latham is asking the witness to provide evidence for people who haven't even been called to the inquiry. It's not appropriate. Mr Gartrell is here voluntarily to answer questions relevant to this inquiry.

The Hon. MARK LATHAM: I don't know about voluntarily but I'm asking—

The Hon. NATALIE WARD: He is a public servant, actually.

The CHAIR: In relation to the point of order, Mr Gartrell is able to answer or not answer the questions as he sees fit. Go ahead, Mr Latham.

The Hon. MARK LATHAM: As chief of staff, an important person in the Government and a guardian of ethics, are you surprised that the Premier didn't declare his donations from the Murray household at the time of the appointment or when it came to Cabinet or when, most importantly, he signed it off as the Premier?

SCOTT GARTRELL: I had no knowledge of donations that were made to the Premier and I'm not going to comment on them.

The Hon. MARK LATHAM: But you said that you heard the evidence earlier today, when Mr Murray said he paid donations to the Minns campaign in Kogarah.

SCOTT GARTRELL: That's his evidence. I am just saying to you that I have no personal knowledge of that.

The Hon. MARK LATHAM: You have no knowledge of what Murray actually told us?

SCOTT GARTRELL: He gave evidence. I have no—

The Hon. MARK LATHAM: Are you serious? Maybe it was better that you didn't come to this because your evidence has been consistently misleading and confusing.

The Hon. Dr SARAH KAINE: Point of order—

The CHAIR: Order!

The Hon. Dr SARAH KAINE: Chair, he is haranguing the witness.

The CHAIR: Mr Latham, your time has expired. Mr Gartrell, have you been a chief of staff previously?

SCOTT GARTRELL: Yes, I have.

The CHAIR: Who were you chief of staff to?

SCOTT GARTRELL: Previously to Carmel Tebbutt in the last Labor Government—the Deputy Premier and health Minister. Prior to that, I was chief of staff to Anthony Albanese in 2007-08 when he was the first infrastructure Minister.

The CHAIR: Is part of your job to provide strategic and political advice to the Minister?

SCOTT GARTRELL: I'm her chief adviser, yes.

The CHAIR: Did you advise her not to attend today's hearing?

SCOTT GARTRELL: I did not have a conversation with her about that. I did not provide advice to her about that.

The CHAIR: Did the Premier ask her not to attend today's hearing?

SCOTT GARTRELL: I have no knowledge of that.

The CHAIR: Do you think that it was a strategically clever thing to do to not attend today's hearing?

SCOTT GARTRELL: I think the Minister's answer on this is pretty clear. There is a convention in place in relation to members of the lower House attending upper House inquiries, with the exception of estimates, as I understand it. She took the view that she would comply with the convention.

The CHAIR: Budget estimates is an upper House inquiry as well so you are picking and choosing which inquiries a Minister might or might not attend. We will be taking that up through the powers of the House. I come back to the emails between you and Dianne Leeson in relation to the people to be interviewed. I understand that there were two people that you suggested should be interviewed. Is that correct?

SCOTT GARTRELL: That's correct.

The CHAIR: Was the other person interviewed?

SCOTT GARTRELL: I don't believe so. This is probably a question for the recruiter, but I don't believe he proceeded with an application. I think he had been approached by them, but I don't believe he proceeded with an application.

The CHAIR: One of the things that I'm having difficulty understanding here is what appears to be a muddying of the direct appointment model and the merit-based selection model. Is it standard for there to be feedback given to the Minister's office in relation to an appointment by the people who are involved in that merit-based selection process?

SCOTT GARTRELL: I can't tell you if it's standard. This is the only one I've been involved in. I can only tell you that the Acting Secretary of the Department of Premier and Cabinet indicated he would like feedback, and feedback was requested.

The CHAIR: Did you see a political risk with having been seen to suggest that a well-known Labor associate was needing to be interviewed, despite them having been rated as not suitable by the recruitment consultant? Did you see that as a potential risk?

SCOTT GARTRELL: No. I thought they'd got it wrong, frankly, in the assessment that they'd made of him. I have a pretty good awareness of the expertise, experience and capability of Josh Murray. I thought that the recruitment company hadn't fully understood the brief. We wanted a globally competent, experienced leader, someone who could inspire people, who could heal the rifts in the department that we inherited, and he stacked up.

The CHAIR: Why was Di Leeson involved? We heard before that the assessment panel—those members of the assessment panel—got the recommendations coming to them from NGS as to who they should be looking at and assessing, and our previous witness told us that that was the first that he had seen of those candidates. Why was Di Leeson both involved in creating the shortlist that went to the assessment panel as well as being on the assessment panel? Do you know?

SCOTT GARTRELL: I don't know. I'm sorry. You'd have to ask her that.

The CHAIR: Did Mr Murray—we heard from him earlier that he had had troubles. He had spoken with, he told us, Dr Broadbent, who had given him the impression that she didn't know who he was or what role he was going for. After he had that discussion, did he speak with you?

SCOTT GARTRELL: No.

The CHAIR: Did you have any information given to you from Josh Murray that indicated that NGS had not assessed him properly?

SCOTT GARTRELL: No.

The CHAIR: So you were just going purely off looking at what had been provided to you by Ms Leeson and then deciding that, from your understanding, they'd got it wrong.

SCOTT GARTRELL: Yes. As I say, I didn't think they fully understood the brief. On that basis, they'd categorised him wrongly.

The CHAIR: When did you first obtain Josh Murray's phone number? Do you know?

SCOTT GARTRELL: Many years ago—15, more, perhaps.

The CHAIR: You said earlier that you recall sending him maybe two text messages. I think we received two at least back in the SO 52 process. How many messages do you think that Josh Murray sent to you in relation to this role—or shall we just say "since that 4 April meeting"?

SCOTT GARTRELL: Only the one—the one that was contained in the documents.

The CHAIR: Looking back on the process and again noting your role as a political adviser to the Minister, do you think that there could've been other steps taken to guard against the accusations that are now being put to the Minister, to yourself and to Mr Murray in relation to this appointment?

SCOTT GARTRELL: I don't think so. The process was robust. It was run by the department. It involved independent public servants and industry experts. I think I said earlier our view was that the Opposition were always going to call out the fact that Josh Murray had worked for a Labor Premier and they would make that controversial. So we were always prepared for the fact that that would be an aspect once the selection was made, and we weren't disappointed.

The CHAIR: Why—

The Hon. NATALIE WARD: Mr Gartrell, we're pointing out the sham process.

The Hon. MARK BUTTIGIEG: Point of order—

The Hon. Dr SARAH KAINE: Point of order—

The CHAIR: Order!

The Hon. NATALIE WARD: It's a sham process we're pointing out.

The Hon. MARK BUTTIGIEG: Point of order: We are not going to tolerate gratuitous jumping-in on other people's time.

The Hon. Dr SARAH KAINE: Also not treating the witness with courtesy.

The CHAIR: I have heard the point of order from both members. We won't be doing this throughout the course of this afternoon. If I could continue my question—

The Hon. NATALIE WARD: Well, the witness should be honest.

The CHAIR: —which I've now got distracted from; thank you, everyone. Just coming back to the question, though, which was: Did you see the risk in the fact that you had written an email and taken an action that might later be seen as an interference in what was supposed to be a merit-based selection process?

SCOTT GARTRELL: I can only respond as I did earlier on, Chair. I was asked for feedback and I provided feedback to that list.

The CHAIR: Do you, in hindsight, understand that that's muddied the waters somewhat?

SCOTT GARTRELL: I understand the waters have been muddied, but I stand by my actions in the process. I believe they were appropriate.

The Hon. Dr SARAH KAINE: We heard earlier today from Chris Lamb, who is the Deputy Commissioner of the Public Service Commission. His evidence was that he was confident that an independent, merit-based process was followed for this appointment. Do you share that confidence?

SCOTT GARTRELL: I do.

The Hon. Dr SARAH KAINE: And can you extrapolate a bit? Why are you so sure?

SCOTT GARTRELL: I believe the process was set up in such a way as to involve multiple stages of assessment and evaluation. That's very clear from Mr Lamb's evidence, and my knowledge. I think it would have been advantaged by a better process in terms of market testing, but that is what it is now. I believe that the process of assessing the candidates for the shortlist was robust; I think the evaluation process similarly; and then the final stage, which was Mr Duncan providing a list of two candidates to the Minister and requesting her feedback on preference, was also a sound and appropriate part of the process. He was asking her, "Who could you work with best? Here are two highly qualified people. Who could you work with best?" The relationship between a Minister and a head of department is critical. We have seen from the former Government what happens when it goes wrong. I think everyone was conscious that we had to get that fit and that decision made appropriately.

The Hon. Dr SARAH KAINE: Given that assessment by Deputy Commissioner Lamb about the robustness and the appropriateness of the appointment, can you again describe what indeed was your involvement? If that process was robust, what involvement did you have in the recruitment process?

SCOTT GARTRELL: I think the most significant involvement I had was the request from Dianne Leeson to respond to that initial list of candidates, where I indicated that I was a bit underwhelmed by it. The list lacked diversity. As I said, I didn't think they had responded properly to the brief. I would have liked to have known more of the candidates in the rest of the list so I could have suggested others, but I didn't. I knew a couple and I nominated them, and I suggested that I thought they were up to scratch.

The Hon. MARK BUTTIGIEG: That's wholly unremarkable, isn't it, the chief of staff taking an interest in who his Minister is going to be served up? I mean, presumably you were acting in her interests because you are representing her and you want the best possible candidate.

SCOTT GARTRELL: That's correct.

The Hon. DAMIEN TUDEHOPE: In a merit-based process.

The Hon. NATALIE WARD: In an arms-length process.

The Hon. Dr SARAH KAINE: Excuse me, Chair, can we stop with the interventions from this side which are interfering with our time and the capacity of the witness to answer.

The CHAIR: If we could all show a little bit more respect to each other and to the committee process, please.

SCOTT GARTRELL: Chair, do you mind if I just finish my answer?

The CHAIR: Please go ahead.

SCOTT GARTRELL: The Minister regarded this as one of the most important decisions that she would be involved in—the appointment of someone at the beginning of the term to run her department, to be her key adviser, the key person involved in implementing the decisions of the Government. It is a pretty critical moment.

The Hon. MARK BUTTIGIEG: In terms of this conflict angle that the Opposition is trying to drag out, I mean, it would be—

The Hon. NATALIE WARD: Point of order—

The CHAIR: I'll hear the point of order.

The Hon. NATALIE WARD: I think it's unfair to characterise our role in the upper House in a legitimate committee to say we're trying to drag this out. We have a role to play. I ask that you withdraw.

The Hon. MARK BUTTIGIEG: Okay, there is no conflict.

The CHAIR: Alright, withdrawn.

The Hon. MARK BUTTIGIEG: The perception that might have been created that there was a conflict, it would be somewhat parallel universe stuff, wouldn't it? If you did an audit of the public service—senior executive service—and cross-correlate it with political affiliations, there wouldn't be many people working in those positions, would there, given your experience of being in and around politics and the public service for so long?

SCOTT GARTRELL: I think there has been evidence given that there are people who worked in and out of politics working across the bureaucracy, and I think the bureaucracy is strengthened by that involvement. Yes, I think that's right.

The Hon. MARK BUTTIGIEG: The idea that you would have to trawl through every single fundraiser and do a forensic audit to see if anyone had donated to the Labor Party—or the Liberal Party, for that matter, in historical examples, which I won't go into here—is just unrealistic, isn't it?

The Hon. NATALIE WARD: Point of order—

The CHAIR: I will hear the point of order.

The Hon. NATALIE WARD: I ask that the member withdraw his comments. This is not regarding donations to the Liberal Party. Your questions should be directed to this member—

The Hon. MARK BUTTIGIEG: No, I won't withdraw my comments, Chair, because it's a relevant—

The CHAIR: I will rule on the point of order.

The Hon. NATALIE WARD: —and donations, and the questions around them, are legitimate questions.

The CHAIR: I will rule on the point of order. It is completely appropriate to ask the question. Please go ahead.

The Hon. MARK BUTTIGIEG: Would you like me to restate it?

SCOTT GARTRELL: Yes, please.

The Hon. MARK BUTTIGIEG: This idea that if you were going through a process that eliminated every possible political connection, you would have to trawl through years of fundraisers from every single person who had attended a Labor or a Liberal function, or One Nation, or whatever the party is—

The Hon. NATALIE WARD: No, just the candidate.

The Hon. MARK BUTTIGIEG: —and then say, "Well, we'd better declare that donation because they're now applying for a job." I mean, it just doesn't happen. It's unrealistic, isn't it?

SCOTT GARTRELL: Look, I think my answer before is the one that I'd stay with—that is, that when we became aware that Josh Murray had made donations, we looked at it. I remembered the function that we'd been at. We took a view that it was not a material issue at all that would affect Josh Murray's candidacy.

The Hon. Dr SARAH KAINE: Mr Gartrell, if I could refer back to your comments about the process, you made a couple of comments regarding better process, market testing and, in retrospect, how that was carried out. Could you provide a bit more information about what your concerns were regarding that process?

SCOTT GARTRELL: Well, a couple, I think. As I said, I thought that for a position of this significance, the number of actual applications versus the number of candidates or applicants—well, no, candidates—that had been approached was unusual. That didn't fill me with a lot of confidence that we were really getting what we

wanted. And look, the other thing is I've done a lot of recruitment myself over the years for executive positions, and I'm aware of a practice of some recruiters of padding out lists using the phone book, and I thought a bit of that had gone on, frankly. If you look at the number of people on the list that had been approached and declined, it was pretty high. I don't have the numbers in front of me. But that just said to me that we were not getting the rich field of candidates—of people genuinely interested in the role—that we wanted.

The Hon. Dr SARAH KAINE: Could I ask a question about the feedback that you were requested to give, and the subsequent email? Just so that I'm clear on this, you were providing that feedback not to any assessment panel; you were providing that to someone in DPC or department of Premier about it. There was no direct communication between you and the panel as it was established.

SCOTT GARTRELL: That's correct. I had no contact. I didn't seek it and wasn't offered it.

The Hon. Dr SARAH KAINE: Okay. That email—the framing of it—did you think you were making a direction or a suggestion?

SCOTT GARTRELL: No, I was responding to the email I'd been sent. It said, did I have any feedback or comments, I think was the—

The Hon. MARK BUTTIGIEG: So in other words, "Desktop analysis from NGS, going through the motions, looks like a pretty shallow gene pool. They're asking me for my opinion. Yes, I reckon you should also consider these two."

SCOTT GARTRELL: That's exactly right. I think I said earlier, I knew three names. I knew one wasn't interested. I didn't know any of the rest. If I had, I could well have suggested that they go and talk to others as well. In theory, there were people with very big jobs in very big rail agencies around the world on that list. I didn't know any of them and so I didn't make any other suggestions.

The Hon. Dr SARAH KAINE: Sorry, Mr Gartrell, you said "in theory". What do you mean by "in theory"? In theory that there were people on that list.

SCOTT GARTRELL: Only that there were people on that list that were running large rail agencies around the world. Looking at them, how did our system square up? How did it compare? Pretty well? It would have been great to have the opportunity to have people like that in an interview process to see what came through.

The Hon. MARK BUTTIGIEG: Do you know what Mr Murray was on at Laing O'Rourke?

SCOTT GARTRELL: I don't. I asked him and he wouldn't tell me. All he would say was that it was far more than the salary he has been offered for this position.

The Hon. DAMIEN TUDEHOPE: You have in fact been entirely misleading in this evidence today, haven't you?

The Hon. MARK BUTTIGIEG: Point of order, Madam Chair. It should not be for members to make inferences about the integrity of a witness who does their best to answer questions.

The Hon. NATALIE WARD: He is entitled to test. He is entitled to put the proposition.

The Hon. MARK BUTTIGIEG: He's making an inference about character. He's reflecting on the witness. I ask he withdraw it.

The Hon. NATALIE WARD: He's putting the proposition.

The CHAIR: I will rule on the point of order. The question is in order, but can we please give the witness, for procedural fairness, plenty of time to refute it should he wish.

SCOTT GARTRELL: No.

The Hon. DAMIEN TUDEHOPE: You have characterised your involvement as reviewing the underwhelming list and suggesting people who should be interviewed, have you not? That's been your involvement in terms of Mr Murray's candidature.

SCOTT GARTRELL: That's the email that I responded with, yes.

The Hon. DAMIEN TUDEHOPE: Nothing else?

SCOTT GARTRELL: No.

The Hon. DAMIEN TUDEHOPE: Why on earth did you send Di Leeson an email on 7 June, "Can I get a list of the final shortlist candidates"?

SCOTT GARTRELL: I was interested to see who was going to be interviewed.

The Hon. DAMIEN TUDEHOPE: You didn't tell us about that, did you?

SCOTT GARTRELL: You didn't ask me.

The Hon. DAMIEN TUDEHOPE: That's an involvement you've had in this process.

The Hon. Dr SARAH KAINE: It's not an involvement.

The Hon. DAMIEN TUDEHOPE: Let me ask you about Verity Firth and the assessment panel. Did you have any involvement in that?

SCOTT GARTRELL: In what respect?

The Hon. DAMIEN TUDEHOPE: In the appointment of the assessment panel, was there any liaison with you in relation to the appointment of Verity Firth?

SCOTT GARTRELL: No.

The Hon. DAMIEN TUDEHOPE: Well:

Hi Scott

I spoke with the Minister on Friday re the recruitment process and she outlined some of her thoughts re candidate qualities. She also advised that Carmel Tebutt will not be available to assist ...

Do you recall that letter?

SCOTT GARTRELL: From whom?

The Hon. DAMIEN TUDEHOPE: From Di Leeson to you.

SCOTT GARTRELL: Yes. I don't recall the specifics of it, but I do—

The Hon. DAMIEN TUDEHOPE: So was your evidence misleading?

SCOTT GARTRELL: No. You asked me, "Did I have any involvement in the appointment of Verity Firth to the panel?" and I said no.

The Hon. DAMIEN TUDEHOPE: Well, clearly Di Leeson was liaising with you in relation to that appointment.

SCOTT GARTRELL: No.

The Hon. MARK BUTTIGIEG: You just said "Carmel Tebutt".

The Hon. DAMIEN TUDEHOPE: Did the Minister suggest Verity Firth as the alternative appointment for the assessment panel?

SCOTT GARTRELL: Yes.

The Hon. DAMIEN TUDEHOPE: She did?

SCOTT GARTRELL: Yes.

The Hon. DAMIEN TUDEHOPE: Did you know that?

SCOTT GARTRELL: I knew, yes.

The Hon. DAMIEN TUDEHOPE: You haven't told us that.

SCOTT GARTRELL: You didn't ask me that.

The Hon. Dr SARAH KAINE: You have to ask questions that are relevant.

The Hon. DAMIEN TUDEHOPE: Well, in relation to your involvement in this process, you have wanted us to believe today that your only involvement was in respect of the email which you sent for the purposes of including Josh Murray on the interview.

SCOTT GARTRELL: I have not said that in my evidence. You have before you in the papers that we produced all of the involvement that I had in the process. If you want to ask me about any of those emails and texts, I'm here to do that.

The Hon. NATALIE WARD: So you won't be fulsome in your evidence. You'll only answer what's asked and it's for us to dig and find out everything else. Is that your evidence?

SCOTT GARTRELL: I'm here to answer any—

The Hon. Dr SARAH KAINE: It's for you to ask relevant questions.

The Hon. NATALIE WARD: Hang on, let him answer.

The CHAIR: Order!

SCOTT GARTRELL: I'm here to answer any question that you want to ask.

The Hon. NATALIE WARD: Apparently not.

The Hon. DAMIEN TUDEHOPE: How did the Minister communicate her request for Verity Firth to be included on the assessment panel?

SCOTT GARTRELL: I believe she had a phone conversation with Di Leeson when she had had contact from Carmel Tebbutt, who had to withdraw for personal reasons.

The Hon. NATALIE WARD: Your former boss, Carmel Tebbutt?

SCOTT GARTRELL: I think we've established that.

The Hon. DAMIEN TUDEHOPE: And then she goes on to say:

We have received an update report from the recruitment agency which I'm happy to share with you or simply take you through it by phone if you prefer.

Do you recall that?

SCOTT GARTRELL: Yes.

The Hon. DAMIEN TUDEHOPE: Did you have the phone call?

SCOTT GARTRELL: No. I think she sent me the report.

The Hon. DAMIEN TUDEHOPE: And did you have a phone call subsequent to that?

SCOTT GARTRELL: I don't think so.

The Hon. NATALIE WARD: Do you think it's appropriate for a Minister to place people on panels run by the public service?

SCOTT GARTRELL: I think I said, earlier on, that in the first discussion that we had with Mr Duncan he asked her if she could nominate an independent person for the panel, and she'd nominated Carmel at that point.

The Hon. NATALIE WARD: And you consider Carmel Tebbutt to have been independent?

SCOTT GARTRELL: Absolutely, yes, and the Minister put her forward on that basis.

The Hon. NATALIE WARD: So nothing to see here? Nothing wrong with this process?

SCOTT GARTRELL: I've just answered your question.

The Hon. NATALIE WARD: Really?

The Hon. DAMIEN TUDEHOPE: You also tell us in relation to your communication with Josh Murray that he sent you one text message?

SCOTT GARTRELL: In relation to this issue, yes, I think that's right. I don't recall any other contact with Josh during that period. I'd had contact prior, which I've indicated.

The Hon. DAMIEN TUDEHOPE: But that's when you sent him the job ad?

SCOTT GARTRELL: Yes.

The Hon. DAMIEN TUDEHOPE: That's the only other contact you'd had with him?

SCOTT GARTRELL: Yes. I had no contact with Josh during the entirety of the recruitment process, apart from—

The Hon. DAMIEN TUDEHOPE: That's not true, is it?

SCOTT GARTRELL: Apart from those two texts that we've referred to.

The Hon. DAMIEN TUDEHOPE: Mr Gartrell, I put it to you that that's not true.

SCOTT GARTRELL: And I put it to you, you're incorrect.

The Hon. DAMIEN TUDEHOPE: Well, the text messages—

The Hon. MARK BUTTIGIEG: Point of order: The witness now has answered this line of questioning on probably six occasions. He continues to answer it despite badgering, so I ask that we move on.

The Hon. NATALIE WARD: This is a very important point forensically for us to explore.

The CHAIR: I think I've heard enough. On the point of order, it is well within the rights of the member to continue to ask the same question, over and over, without badgering. As long as we are allowing the witness time to answer, I'm okay with this line of questioning.

The Hon. DAMIEN TUDEHOPE: The text message from Mr Murray to you said, "Thanks for checking in."

The Hon. Dr SARAH KAINE: Yes, he called. He explained this.

The Hon. DAMIEN TUDEHOPE: So, in fact, you'd had a phone call from him? I just asked you—

SCOTT GARTRELL: No, no, I didn't say that.

The Hon. DAMIEN TUDEHOPE: You had made a phone call to him?

SCOTT GARTRELL: I rang and left a message for him asking if he'd made an application, and his text that you've referred to was the response. And I said that earlier in my evidence. You can check the record; I said that earlier in my evidence.

The Hon. DAMIEN TUDEHOPE: With due respect, you did not.

The Hon. Dr SARAH KAINE: He did.

The Hon. NATALIE WARD: I'm sorry, Chair, we're having commentary from the sidelines, and then they are howling over there.

The CHAIR: Order!

The Hon. NATALIE WARD: Mr Gartrell, the interview by Jo Haylen of the final two candidates, one of which did have global experience, Benedicte Colin—did you attend that interview with Jo Haylen, Benedicte Colin and Josh Murray?

SCOTT GARTRELL: I did.

The Hon. NATALIE WARD: The two interviews?

SCOTT GARTRELL: Two interviews.

The Hon. NATALIE WARD: Were those candidates provided with identical questions at those interviews?

SCOTT GARTRELL: They were.

The Hon. NATALIE WARD: And you saw those questions?

SCOTT GARTRELL: No, there wasn't a list of questions. The Minister went through the same process with each person and essentially I guess tested a number of the features of the interview process that they'd already been through.

The Hon. NATALIE WARD: Were the two candidates provided with identical questions?

SCOTT GARTRELL: They were given the same opportunity and the same process. We didn't have a written list of questions. To my knowledge, or to my memory rather, the processes were pretty much identical. We were going through the same process with each person.

The Hon. NATALIE WARD: I'm talking about the final two at the final interview where a Minister—who is supposedly not having any input into this process, according to you in your evidence—is now assessing two candidates. Are you saying to me that there was not a set list of questions that were identical or posed to both of them to give them both the opportunity to answer identical questions put to them? Is that what you are saying?

SCOTT GARTRELL: Both candidates were given all opportunity to discuss their applications with the Minister. I think both interviews lasted a full hour. They were more designed to identify how well she could work with each person, as opposed to testing their competence and capability. That process had already taken place.

The Hon. NATALIE WARD: Your evidence is just not believable, is it, Mr Gartrell?

SCOTT GARTRELL: My evidence—

The Hon. NATALIE WARD: You have not been fulsome with this inquiry, on your own admission.

SCOTT GARTRELL: My evidence is giving you an answer to each of your questions, to the best of my memory.

The Hon. NATALIE WARD: But just not fulsome in the answering.

The CHAIR: Order! Your time has expired.

SCOTT GARTRELL: I have answered each of your questions. I have not sought to duck one of them.

The Hon. DAMIEN TUDEHOPE: That's what you say.

SCOTT GARTRELL: That's my evidence.

The CHAIR: Mr Gartrell, you are aware, are you not, that Labor went to the election with a commitment to unwind TAHE?

SCOTT GARTRELL: Yes—well, unwind. I'm aware that—keeping in mind I came into this position from very little involvement in the political process, I am aware of the election commitment that Labor made, yes.

The CHAIR: You're aware, I presume, of the inquiry that this Committee ran into TAHE previously, on which the now Treasurer was quite scathing of TAHE as an entity and the way it had been operated?

SCOTT GARTRELL: Only at a very general level, Chair. I mean, I read about it in the paper.

The CHAIR: Benedicte Colin was clearly—she's CEO of TAHE. Was it ever politically tenable that she would've been secretary of transport and then responsible for unwinding TAHE?

SCOTT GARTRELL: In the early involvement that the Minister and myself and our staff had with Benedicte, we were pretty impressed with her qualities. She's an outstanding leader.

The CHAIR: But was it politically tenable?

SCOTT GARTRELL: Absolutely. Sorry, I'll go back a question. She was put forward as one of two suitable candidates and she was interviewed by the Minister on the basis that she was acceptable.

The CHAIR: Was she put forward on the understanding that she would never be picked because it would be politically untenable to do so—

SCOTT GARTRELL: No.

The CHAIR: —and that Josh Murray would then be the obvious candidate?

SCOTT GARTRELL: No, that's not correct.

The CHAIR: In your first round of questioning, compared to the answers that you've just given to the Opposition members, there were three things that came out to me as being new, and I take your point that we will need to go back and look at the transcript. The first was I did not hear you say that you had actually rung Mr Murray to ask about whether or not he had applied. Is that correct—

SCOTT GARTRELL: That's correct.

The CHAIR: —that you did that?

SCOTT GARTRELL: No. I think I rang to confirm that he'd applied because I'd sent him the job advert. I think I rang just to see whether he had.

The CHAIR: When was that?

SCOTT GARTRELL: I think I sent the ad in early May, around the fifth. I have a feeling—so round about the middle of May, I think.

The CHAIR: Could you come back on notice, after you've checked your phone records?

SCOTT GARTRELL: I can, yes.

The CHAIR: The other thing I heard that was new for me was that Verity Firth had actually been suggested by the Minister. Can you confirm that's correct?

SCOTT GARTRELL: That is correct.

The CHAIR: And then the third thing was that you had actually emailed, asking for the shortlist of candidates prior to you then suggesting that Mr Murray be interviewed as well. Is that correct?

SCOTT GARTRELL: No, I think that happened afterwards. I think the timeline was that I was asked for feedback on the list, and I think—and at that point, that was reasonably early in the process. They hadn't finalised candidates—hadn't finalised the list. I mean, you've got the document in the papers. I think my email was subsequent to that. Because I think there was a—

The CHAIR: So that was asking for the shortlist as in the four that went to the assessment panel or the two that went to the Minister for interview?

SCOTT GARTRELL: I think it was the first shortlist. I think I was asking about had they gone forward and made the first shortlisting. That would have been in June. There was a bit of a gap, I think, between the close of applications and when the interviews took place.

The CHAIR: Having listened to Mr Murray's evidence and to your evidence today, I remain concerned that we have what looks like a process that was set up to be this independent, merit-based thing, but it seems like we then have interference from yourself to ensure that Mr Murray goes through the steps in order to get to that assessment panel stage. Do you accept that the level of involvement you had—from calling him to check he'd applied, from sending him the job ad in the first place, to asking for him to be interviewed by the panel—implies that you had a level of involvement in pushing for Mr Murray to be appointed that is inconsistent with a merit-based selection process?

SCOTT GARTRELL: No, I don't agree. My involvement was prior to any of the interviews and any of the shortlisting. I think I'd indicated that if I had knowledge of other applicants on that list, I would have suggested that they put more into the shortlisting process because I thought that it needed more. The shortlisting process is exactly that: You take a larger number of really good people and you reduce it down to the best. My involvement was all prior to that point. Do I think Josh is a great candidate? Absolutely. I think he was—

The CHAIR: That's not my question, though.

SCOTT GARTRELL: I always thought he was a great candidate.

The CHAIR: I'm talking about the process. Was the Minister aware of your involvement at each of these steps?

SCOTT GARTRELL: Subsequently, I think would be probably the best answer.

The CHAIR: You've told this Committee that the involvement of Verity Firth was at the behest of the Minister. Why would she be involved in that aspect and not in all of the other aspects? Wouldn't you have discussed every aspect of this with her?

SCOTT GARTRELL: No, I gave her updates as they happened. I think the answer to the question about Verity was simply because Carmel Tebbutt had contacted the Minister directly to indicate that she couldn't proceed with being involved in the process, and the Minister was looking to replace Carmel with somebody of the same capability.

The CHAIR: On an average day, how much time would you spend discussing issues with the Minister as the chief of staff?

SCOTT GARTRELL: There is not an average.

The CHAIR: A significant period of time, I would expect, going between meetings and doing things.

SCOTT GARTRELL: Yes.

The CHAIR: You didn't discuss at any point who those candidates were going to be and your desire to ensure that Josh Murray was interviewed?

SCOTT GARTRELL: As I said, I think the analogy is it's like drinking from a fire hose. The number of issues that we have to deal with in a day is huge. At the beginning of the term of a new Minister, it is enormous. So that's the context—if I could answer your question. My approach to doing my job with the Minister is that I report in—I get a huge amount of discretion from her. I get to report in, manage issues and touch base when I think that I actually need to bring her up to speed.

The CHAIR: But we heard earlier that she was very stressed about the appointment of a secretary, as anyone would be when they are a new Minister. They want to get their secretary in place. Surely that would be one of those issues you were discussing.

SCOTT GARTRELL: I don't think she was stressed about it; she saw it as a great opportunity. This is a significant moment in her tenure as Minister. Yes, she wanted to get the best person.

The Hon. Dr SARAH KAINE: Mr Gartrell, I just wanted to make very clear that your involvement, such as it was, was prior to interviews and shortlisting. Is that correct?

SCOTT GARTRELL: That's correct.

The Hon. Dr SARAH KAINE: And then the shortlisting and interviews were carried out respectively by an independent assessment panel of five people and then the evaluation panel of three of the most senior public servants in New South Wales. So your involvement predated any of the involvement of eight other people who made assessments of Josh Murray as being, at least after the evaluation panel, one of the top two candidates. Is that correct?

SCOTT GARTRELL: That is correct. I think I indicated—

The Hon. DAMIEN TUDEHOPE: No, it's not.

The Hon. NATALIE WARD: No, it's not correct.

The Hon. DAMIEN TUDEHOPE: You've sat in on the interview.

SCOTT GARTRELL: I think I indicated earlier on, in response to another question about my view of the process, it was a pretty robust process.

The Hon. Dr SARAH KAINE: Noting the interjections, prior to the final interview—this is what I'm talking about—your involvement was pre-interviews and pre-shortlisting. Then those candidates went through two independent panels, including an evaluation panel of the three most senior public servants in New South Wales, resulting in two candidates going forward. And Josh Murray was one of those two.

SCOTT GARTRELL: That's correct. That's accurate.

The Hon. PETER PRIMROSE: Not being 100 per cent familiar with this process, what I am learning is that the process in the end was that the Premier delegated his power to appoint secretaries to Mr Peter Duncan as Acting Secretary of the Department of Premier and Cabinet, under section 81 of the Government Sector Employment Act 2012. Mr Duncan, as I understand it, was therefore the decision-maker for the appointment, in accordance with section 23 of that Act. Is that correct?

SCOTT GARTRELL: That's correct.

The Hon. PETER PRIMROSE: And the new transport secretary was appointed by the Secretary of the Premier's Department, Peter Duncan, following all of these processes that we're talking about.

SCOTT GARTRELL: That's correct. And in making his decision, he sought advice from the Minister as to her preference in relation to the final two candidates.

The Hon. PETER PRIMROSE: But in the end, that was his decision.

SCOTT GARTRELL: Absolutely.

The Hon. DAMIEN TUDEHOPE: So if the Minister says it was her decision, she wouldn't be telling the truth?

The Hon. PETER PRIMROSE: I have no idea what he's talking about.

The Hon. DAMIEN TUDEHOPE: If the Minister is publicly saying it was her decision, she would not be telling the truth.

SCOTT GARTRELL: The Minister's answered the question. She has—

The Hon. NATALIE WARD: We're asking you.

The Hon. DAMIEN TUDEHOPE: We're asking you. If she is saying that it was her decision—

The Hon. PETER PRIMROSE: Given that he is taking our time, the assumption is that the Minister always tells the truth.

The Hon. NATALIE WARD: You won't answer?

The CHAIR: Are there further Government questions?

The Hon. Dr SARAH KAINE: Yes, I have a question. Following on from my colleague the Hon. Peter Primrose, being clear on this process question about appointing secretaries, is there a prescribed method for appointing secretaries, aside from the guidance that's given in the GSE that Peter Primrose has just read?

SCOTT GARTRELL: Yes.

The Hon. Dr SARAH KAINE: There is a variety of options?

SCOTT GARTRELL: I think there are at least two that I'm aware of. I don't put myself forward as an expert. Mr Lamb gave evidence on this this morning. He's the expert.

The Hon. DAMIEN TUDEHOPE: Can I just—

The CHAIR: Can I check if there are any other Government questions before I give the little bit of time left to the Opposition?

The Hon. MARK BUTTIGIEG: Just on the selection of—

The Hon. NATALIE WARD: You're just filibustering.

The Hon. MARK BUTTIGIEG: —Verity Firth for the selection panel, that's also quite unremarkable, isn't it—the Minister having a view on someone who she can have faith in selecting the potential secretary of her department? Heaven forbid we take a view about who is on the panel to make sure there is integrity in the process.

SCOTT GARTRELL: I think having an independent on a panel is entirely consistent with practice.

The Hon. MARK BUTTIGIEG: And you would want to have confidence in that person in terms of their judgement—both political judgement and public sector judgement.

SCOTT GARTRELL: Yes, exactly. And also knowing the Minister. Both of the people we're talking about have known and know her very well. I think that was part of what they contributed to the panel.

The Hon. MARK BUTTIGIEG: Mr Gartrell, in your experience, this would not be unusual—Ministers picking people who they've known for a long time and who have been in and around government for a long time who they can trust. Fast-breaking news, right? You'd want to do that.

SCOTT GARTRELL: Somebody who they trusted to have the ability to carry out that role appropriately, yes.

The Hon. PETER PRIMROSE: I have one question. Given the volume of questions and your experience in this matter directly, before we finish up, I want to ask are there any other matters that you think are relevant that you wish to put to this hearing that would be relevant to its terms of reference?

SCOTT GARTRELL: I think the only brief comment I would make—because I'm keen to hear from anyone else who has a question—is that there has been a lot of public comment about this process. I get that. Going back to the former Government, there was a previous exercise which was clearly flawed, and I think the way that we've approached this process was to ensure that we got the best person that we could get, that it was done entirely within the appropriate channels, that it was conducted by the best people, but that, at the end of the day, the Minister had some input on the basis that the candidate that she had that would ultimately be selected is someone that she would have to work with intimately.

The Hon. MARK BUTTIGIEG: On that, in terms of the responsibility for making the appointment, let's just be clear for the record that the Secretary of the Premier's Department, Mr Duncan, is the one who makes the decision. The Minister simply gave an opinion on her preference. It didn't mean that Duncan had to follow that, right?

SCOTT GARTRELL: No. That was made extremely clear, and the Minister's view all along was that the Premier was the appropriate person to make that decision. He had delegated that authority to his department head, and if we'd gone the alternative process, which was not to do a merit-based appointment but to make a direct appointment, then the decision-making process would have been essentially the same. She would have provided a recommendation, but the decision would have had to have been made, even by the direct appointment process, by the Premier or the Premier's delegate.

The Hon. Dr SARAH KAINE: I just wanted to go back to the questions regarding the Minister. From memory, the Minister has been very clear that she was offering feedback on the appointment. So in this area that we're talking about, she was very clear that she was offering feedback, not making the appointment.

SCOTT GARTRELL: That is correct, and I think there's an email to that effect in the papers that were produced.

The Hon. NATALIE WARD: I have two very quick questions. One—and it's fair that I put this to you, Mr Gartrell—your email says Josh Murray "should" be interviewed as well. Was that a typo?

The Hon. Dr SARAH KAINE: "I reckon we should".

SCOTT GARTRELL: No, I was responding to an email from—

The Hon. NATALIE WARD: No, I'm sorry. I won't be corrected. This is important. Josh Murray "should" be interviewed as well. Was that a typographical error?

SCOTT GARTRELL: Is that your question?

The Hon. NATALIE WARD: Yes.

SCOTT GARTRELL: My answer is I was responding to an email from Di Leeson asking me for comments or feedback, and that's what I did.

The Hon. NATALIE WARD: And I asked you the question was that a typographical error? You used the word Josh Murray "should" be interviewed as well. Is that incorrect in any way?

SCOTT GARTRELL: "In my opinion, he should be interviewed." That's correct.

The Hon. NATALIE WARD: Thank you. Finally, you said earlier that you didn't discuss your Minister's non-attendance here today, and you are here. That's just not credible, is it? You are her chief of staff. Do you mean to tell this Committee under oath that you did not have a conversation with her about her not attending?

SCOTT GARTRELL: The Minister made the decision not to attend and to not respond to the invitation—or, rather, to decline the invitation. I have had a discussion with her about that subsequently, but the decision that she made she made herself and communicated that to the Committee.

The Hon. NATALIE WARD: You said earlier that you hadn't discussed it, and that is not—

The Hon. PETER PRIMROSE: How many questions are we going to go on with?

The Hon. NATALIE WARD: It's fair that I put it to the witness before I make a comment about his credibility.

The Hon. PETER PRIMROSE: Well, give us some more time then.

The Hon. MARK BUTTIGIEG: The question was answered based on precedent. So if you want to keep chiselling time and jumping in, we can have a free-flowing discussion.

The CHAIR: Order! If the witness wishes to answer, they have the chance to answer now. Otherwise, we can finish.

SCOTT GARTRELL: I have answered all the questions.

The Hon. NATALIE WARD: That's just not credible.

The CHAIR: Order! We're going to take a much-needed short afternoon tea break, and we'll be back at 2.30 p.m. with our next witness. Thank you very much for your time, Mr Gartrell. To the extent there are questions on notice or supplementary questions, you'll have 21 days to respond.

(The witness withdrew.)

(Short adjournment)

KATE BOYD, Deputy Secretary, General Counsel, Cabinet Office, affirmed and examined

PETER DUNCAN, Acting Secretary, Premier's Department, sworn and examined

SAMARA DOBBINS, Deputy Secretary, Premier's Department, sworn and examined

The CHAIR: I now welcome our next panel of witnesses. Thank you very much for your time. Would you like to begin by making a short opening statement?

PETER DUNCAN: Thank you, Committee members, for the opportunity to make a short statement. My name is Peter Duncan and I was the Acting Secretary of the Department of Premier and Cabinet from 17 April this year until 1 July 2023. On 1 July 2023 I became the Acting Secretary of the Premier's Department and the Cabinet Office. I have over 40 years' experience in government and infrastructure, working at local, State and national levels. I've also held the role of principal of a small advisory business and held various government and non-government board roles. In government, I have worked as a chief executive in areas such as transport infrastructure, forestry, parks, maritime technology and services. This includes various public sector roles in local government as well as State departments of Premier and Cabinet, Transport for NSW and Primary Industries.

For the benefit of the Committee, I'd like to outline the process of recruitment undertaken for the Secretary of Transport for NSW. In the role of Secretary of the Premier's Department, I am the Premier's delegate when it comes to making appointments to the office of secretary of a department under section 23 (4) of the Government Sector Employment Act 2013. The role has discretion to either directly appoint a person to the office of the secretary of the department or choose to undertake the comparative merit-based recruitment and selection process in line with the Government Sector Employment (General Rules) 2014.

In late April 2023 I was requested to implement a process to select a future Secretary of Transport for NSW. I was provided the briefing setting out the procedure, and in consultation with the program management office, DPC and the Public Service Commissioner, it was agreed that the recruitment would involve a search; an assessment panel to undertake initial screening against the essential requirements for the role; and an evaluation panel to undertake interviews and evaluation of candidates' capability, also known as psychometric evaluation. This was all against the outcomes and capabilities outlined within the position description.

I advised the Minister of this process, and of my responsibilities as the Premier's delegate with the discretion to appoint the secretary. This meeting was held in early May. It was also attended by the Minister's chief of staff and a senior representative of the program management office within DPC. At this meeting the Minister expressed a view that the process should involve an international search to test the market due to the complexity of the role and the need to identify a strong field of candidates. I advised the Public Service Commissioner of this meeting and desire to have the international search. I understand the PSC undertook to obtain quotations from three suitable firms to carry out the search and to support the panels. This process was agreed and commenced in early May 2023.

Following the search, the assessment panel met on 15 June 2023. The panel included the chair, Dianne Leeson, representing DPC from the program management office; the Deputy Commissioner of PSC; and two independents from outside the sector. This panel undertook the assessment and presented four candidates to be shortlisted for interview. The evaluation panel then met on 21 June 2023 and interviewed all four candidates shortlisted. The panel included the Public Service Commissioner; the Secretary of the Commonwealth Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts; and myself as Chair.

The interviews were broad-ranging, including a pre-prepared scenario. The performance of all candidates was very strong and professional. However, only two were recommended to go forward to the Minister as the very and highly suitable candidates for her to meet. Post the interviews, the panel asked the search firm, who were in attendance at the interviews as well, to provide a draft report to the PSC and, subsequently, the evaluation panel. I received the report and consulted with the Public Service Commissioner regarding the documented outcomes in the evaluation report. In addition, further discussions were held with the Public Service Commissioner, reference checks were undertaken, and capability, or psychometric, assessments were carried out on the two. The report was broadly in line with our deliberations, where it was agreed that we would suggest the two most suitable candidates to meet the Minister for Transport. Consulting with the relevant Minister is in line with the requirements of the Act and, as such, I invited the Minister to meet both candidates and provide her views in writing.

The Minister met the candidates on or around 1 July 2023 and provided her comments that Mr Murray was a better fit for the department and, therefore, her preferred candidate. The Premier, as the Minister administering the GSE Act, makes appointments to the office of secretary of departments under section 23 (4) of the GSE Act.

The Premier has delegated this function to the Secretary of the Premier's Department—myself on this occasion—for other secretaries of departments.

External probity advice was also sought regarding Mr Murray's potential appointment and options for managing potential conflicts of interest, given that he was employed as a senior executive of a tier-one contracting firm in both a local and international capacity. The advice was received, provided to the PSC and updated in accordance with discussions. The recommendations of the probity adviser have been implemented and will continue on an ongoing basis, as required. The final report was then submitted to the Premier outlining my intent to appoint Mr Murray following consultation with the Public Service Commissioner and the senior Minister to whom the relevant department is responsible, the Hon. Jo Haylen, MP, Minister for Transport, under rule 52 of the GSE Act.

Finally, I wish to thank everybody that's been involved in this recruitment process. I will attempt to answer your questions today, at the same time respecting the privacy of the unsuccessful candidates and individuals that were involved in the process by not mentioning them by name, if possible. Thank you.

The Hon. NATALIE WARD: Thank you, Mr Duncan, Ms Boyd and Ms Dobbins for coming today. Mr Duncan, you've referenced in your opening statement and I understand that you have over 40 years' experience in government and infrastructure?

PETER DUNCAN: Yes.

The Hon. NATALIE WARD: That's at local, State and national levels. Do you agree that you've held yourself in the highest ethical standards and followed the appropriate ethical standards while acting secretary?

PETER DUNCAN: I do.

The Hon. NATALIE WARD: Mr Duncan, did Minister Haylen or her chief of staff declare or inform you that they knew Mr Murray during the recruitment process?

PETER DUNCAN: I met the Minister once and I had a telephone call with her once, and I think during the telephone call, which was around the time that we had completed the evaluation process and had four candidates, I informed her and had informed her what those names were, and she said she knew all four candidates.

The Hon. NATALIE WARD: So prior to that time she didn't disclose to you, or her chief of staff didn't disclose to you, that they knew Mr Murray?

PETER DUNCAN: Well, it may not have been possible for her, because that was the time when I told her who the four candidates were.

The Hon. NATALIE WARD: Yes, I'm not quibbling with you, but, just for fulsome answers—

PETER DUNCAN: Yes, she didn't mention—

The Hon. NATALIE WARD: Her chief of staff has said, and we have documents to show, that he's been texting the candidate and was in touch with the candidate and ensured the candidate documents were received by the recruiter, that he got an interview, and he got through the process. It would be fair to say that along the way there had been communications with that candidate by the Minister's office. That's correct, isn't it?

PETER DUNCAN: Well, that's what's been reported. I wasn't involved in any of that communication.

The Hon. NATALIE WARD: Did Minister Haylen declare to you that Mr Murray provided a donation to her local campaign, at any time?

PETER DUNCAN: Not that I'm aware of, no.

The Hon. NATALIE WARD: Isn't it true that she should have?

PETER DUNCAN: I don't know. I would defer to others on that, about how the declaration process goes and the Ministers' code of conduct. That's not something that I was aware of at the time, and there wasn't a declaration. So I wouldn't raise an opinion on that. Others can discuss that.

The Hon. NATALIE WARD: You don't, in your personal opinion, believe that that might have been appropriate?

PETER DUNCAN: I'm not sure that I really would be in a position to make that evaluation without looking at all the facts in front of me, and I don't have all the facts in front of me.

The Hon. NATALIE WARD: Well, the facts are that a donation was made to her campaign before the election. I'm not attacking you; I'm just asking for your professional opinion, as someone with 40 years' experience, if you would expect that that's something that might, perhaps, be raised?

The Hon. MARK BUTTIGIEG: Madam Chair, can I raise a point of order? The witness was asked for a personal opinion. He gave the response that in his professional capacity he's not equipped to make that judgement and he'd leave it to others to decide. I think he's answered the question.

The CHAIR: I think it is within the witness' rights to refer to their previous answer if they feel they're being asked a question more than once. But I think the question's in order.

PETER DUNCAN: My response is as it was. And simply, in a process like that, if that was declared to me, I would refer it for advice, particularly legal advice.

The Hon. NATALIE WARD: You would refer that, if it were made?

PETER DUNCAN: Internally. That's right.

The Hon. NATALIE WARD: It was not made to you. But if it were, you would refer it for advice.

PETER DUNCAN: If I thought it was serious enough.

The Hon. NATALIE WARD: As appropriate.

PETER DUNCAN: As I said, I wasn't involved and it wasn't declared to me.

The Hon. NATALIE WARD: Okay. If you had done so, you might have referred it to Ms Boyd.

PETER DUNCAN: Potentially, yes.

The Hon. NATALIE WARD: But that was not done.

PETER DUNCAN: I didn't refer anything.

The Hon. NATALIE WARD: Okay.

PETER DUNCAN: And it wasn't raised with me about donations.

The Hon. NATALIE WARD: Mr Duncan, you'd be aware that it is mandatory for public officials under the code of ethics and employment to ensure that any real or perceived conflicts of interest are avoided or effectively managed. That's right, isn't it?

PETER DUNCAN: For public officials, yes, it is.

The Hon. NATALIE WARD: Isn't it true that either this was not effectively managed to the minimum, a perceived conflict of interest in breach of the code of ethics, or it wasn't disclosed to you?

PETER DUNCAN: I've said before I don't have all the facts. I didn't refer it for consideration by anybody from a legal point of view, so I really couldn't comment on that.

The Hon. NATALIE WARD: Were you at any stage prior to appointing Mr Murray made aware that he'd made a \$500 donation to Minister Haylen's campaign?

PETER DUNCAN: I think I've already said no, I wasn't aware of that.

The Hon. NATALIE WARD: We'll come back to you. Ms Boyd, can I just clarify quickly in terms of the code of conduct, in your legal and professional opinion—you're very experienced in this area—does a donation have the potential to influence a Minister?

KATE BOYD: I don't think my opinions in this regard are of great assistance to the Committee. I think those are views for the Committee to form. I'm happy to provide you with legal information and background as to the provisions in the code, but I do not think it's appropriate for me to express a legal view in this forum. If the Committee wishes to get legal advice, it's more than able to do so, but that shouldn't be my role here, I believe.

The Hon. NATALIE WARD: I'm asking for your opinion as legal counsel and as someone who provides advice to Ministers and to governments on the code of conduct for Ministers, which you regularly do. So do I take it that either you don't believe a donation has the potential to influence a Minister, or you don't think that that's an issue?

KATE BOYD: I don't wish to express an opinion in this forum. I'm happy to speak to the facts. I don't wish to be uncooperative. I appreciate the relevance of what you're asking.

The Hon. NATALIE WARD: Right. Why don't I put it in the context of the facts then? Where a donation has been made in the circumstances of this appointment, would that have the potential to influence a Minister?

KATE BOYD: Again, I won't speak to hypotheticals. I can only speak to the facts. The secretary has just indicated that he was not made aware of a particular donation during the process.

The Hon. NATALIE WARD: But if he were, and if you were, in circumstances where we know there has been a donation, could or would that have the potential to influence a Minister?

KATE BOYD: I'm not going to speak to hypotheticals. That is a hypothetical question and I reject that.

The Hon. DAMIEN TUDEHOPE: Mr Duncan, you correctly outlined the law, as I would expect you would, in relation to a merit-based appointment as opposed to a direct appointment. This was a merit-based appointment. I think there was advice given from time to time by people on your left and your right about the obligations of Ministers' offices not seeking to intervene in the appointment process; that it's your decision at the end of the day. Evidence has been given about a direction for a particular person to be interviewed. Do you consider that to be intervening in the process?

PETER DUNCAN: No. That part of the process I wasn't involved in, but I can speak to it. As I have pointed out, there was search, assessment, evaluation and decision. It was prior to the assessment process that there was some consultation, I understand, with the Minister's office—I wasn't involved in that consultation—and there was a suggestion that an applicant be brought to the list. I will say, by point of clarification, at that stage there was not a shortlist. There was a longlist of names—about 15 or 16.

The Hon. DAMIEN TUDEHOPE: Indeed.

PETER DUNCAN: And I think the discussion was around what that assessment panel should consider.

The Hon. DAMIEN TUDEHOPE: But that goes to the whole of the assessment process. That is that there are two assessment processes—one, the assessment panel and then the evaluation panel. And then a report is made for you and you make the decision.

PETER DUNCAN: That's correct.

The Hon. DAMIEN TUDEHOPE: Now, you make the decision.

PETER DUNCAN: Yes.

The Hon. DAMIEN TUDEHOPE: The email to you on 1 July from Minister Haylen said:

As discussed, Scott and I met with both candidates for Secretary this morning. Both Josh and Benedicte are highly capable leaders however Josh is a better fit for the department and for me at this time and is therefore my preferred candidate.

Then she goes on to say:

I highly value Benedicte's contribution as CEO TAHE and hope she will continue in that role. I would appreciate you helping me communicate that to her.

Is that not a direction to you?

PETER DUNCAN: No, not at all. There are a couple of aspects to what you've raised. One is that the assessment process and the evaluation process were completely separate. That was the first part of your discussion. That was done deliberately to have two separate groups of process, so that the evaluation was completely clear of any risk of being involved in names coming forward or whatever at the assessment process. But, as far as that's concerned, that was the result of consultation, in my mind. I specifically reached out to the Minister's office and said that I believed we were in the final stages of this. We had two very suitable or highly suitable candidates—whichever way you characterise it—and I believed that the Minister should meet with both of them and should provide her comments in writing to me, which is what I did.

The Hon. DAMIEN TUDEHOPE: But the reality is she gave you a direction, didn't she?

PETER DUNCAN: I didn't see it as a direction, not at all, because I did further work after this.

The Hon. DAMIEN TUDEHOPE: There's no other interpretation from that email: "This is my preferred candidate. Please communicate to the other one that you hope she continues." What other interpretation can there be other than a direction to you?

PETER DUNCAN: Well, I'm not under her direct control; I'm under the Premier's control.

The Hon. MARK BUTTIGIEG: Point of order—

The CHAIR: I'll hear the point of order.

The Hon. MARK BUTTIGIEG: The member is now making gratuitous commentary on interpretation when the witness has clearly said that is not his evidence. I ask that you call him to order.

The Hon. NATALIE WARD: Stop running cover. He's just asking a question.

The Hon. MARK BUTTIGIEG: This is not the Nine News commentary fest. We're hearing evidence from witnesses.

The Hon. DAMIEN TUDEHOPE: To the point of order: I'm sure this witness can handle it. This is a man of 40 years' experience in this business.

The CHAIR: Order! I've heard the point of order. I don't uphold it at this point. The witness is quite capable of responding. We can proceed.

PETER DUNCAN: I'm happy to do that, Chair. Honourable member, I received that in the spirit that I asked it—as a result of consultation. I didn't feel it was a direction at the time. In fact, at that time I was still getting further probity advice and other inputs to my decision-making process, so it wasn't possible to make my decision at that time.

The Hon. DAMIEN TUDEHOPE: It's not you necessarily but, in the mind of the Minister, she was giving you a direction.

PETER DUNCAN: Well, I guess I can do a lot of things, but I can't tell what's in her mind.

The Hon. DAMIEN TUDEHOPE: If you read the email, it's a direction to you.

PETER DUNCAN: And I've said it before: I don't believe it's a direction. I didn't take it that way.

The Hon. DAMIEN TUDEHOPE: Ms Boyd, did you prepare a report for the Premier in relation to whether the process had been—

KATE BOYD: No.

The Hon. DAMIEN TUDEHOPE: —complied with? You didn't prepare—

KATE BOYD: I believe a report was provided in response to the Standing Order 52 call for papers, I believe. A report was prepared but that wasn't by my hand.

The Hon. DAMIEN TUDEHOPE: You didn't prepare any independent report to certify in relation to the manner in which the process had been followed?

KATE BOYD: I was not involved in the process.

PETER DUNCAN: Perhaps I could answer that question. Are you comfortable if I answer that question?

The Hon. DAMIEN TUDEHOPE: Sure.

PETER DUNCAN: The report is done and the process is done independently of the decision-maker, and that was prepared by the Public Service Commissioner. So it's a standard report that goes with these processes.

The Hon. DAMIEN TUDEHOPE: So our Public Service Commissioner, who may not have been aware of donations by a particular applicant as part of the interview process?

PETER DUNCAN: She is the person that undertakes the transactional side of it and prepares the report that I would then present to the Premier. She prepared that report—in consultation with my office, of course.

The Hon. DAMIEN TUDEHOPE: What is the difference between "very suitable" and "highly suitable"?

PETER DUNCAN: Very little, in my mind.

The Hon. DAMIEN TUDEHOPE: Why were the two different terms used?

PETER DUNCAN: Look, in the process, I was at pains to say we would not be ranking—that we'd be deciding whether we had suitable candidates or not and that it was my view that we would at least have one or two candidates to go forward to the Minister for consideration and comment back.

The Hon. DAMIEN TUDEHOPE: Indeed, but in terms of the evaluation panel and the assessment panel, it appears to be that a new category is introduced because "unsuitable", "suitable" and "highly suitable" are generally the characterisation of candidates for this process. All of a sudden we see the introduction of a new category, "very suitable".

PETER DUNCAN: Yes. My only insight to this that I can offer is in the deliberations we saw the two final candidates as very close. The report was prepared by the search firm. It was provided to the Public Service

Commissioner and then provided to me. So that's an unusual category and it's not something that I'm aware of. That's the only insight I can provide you on that.

The Hon. DAMIEN TUDEHOPE: So, in terms of the Minister's email to you, these candidates were reasonably close?

PETER DUNCAN: Yes.

The Hon. DAMIEN TUDEHOPE: So it was the email from the Minister to you, that she preferred this candidate, which was determinative?

PETER DUNCAN: No, it wasn't actually. It was all of the factors. I took into account the assessment panel putting the candidate forward, the evaluation, the scenarios we worked through with all four candidates, the capability psychometric tests, right through to the probity report and the input from in consultation.

The Hon. DAMIEN TUDEHOPE: One of them was highly suitable and the other was very suitable. The only piece of objective evidence before us, in relation to the difference between the two of them, is what the Minister says to you in her email.

PETER DUNCAN: No. Also I was the chair of the evaluation committee, so I got to see the performance of all four. I saw the psychometric reports. I saw the reference checks. I saw the whole range of things, including the Minister's email.

The Hon. DAMIEN TUDEHOPE: As a result of that, one of them was highly suitable and the other was very suitable. That was the ranking you made and yet something happened to change your mind to elevate one above the other. It can only be construed that the determinative factor was the Minister's email.

PETER DUNCAN: As you said before, this process came up with a very close result. There were two people there that, in my mind, were almost equal.

The Hon. DAMIEN TUDEHOPE: But one of them was ahead.

PETER DUNCAN: Best fit in the department was a decision that I was thinking through as well. I was looking for somebody of a certain type in line with the job description and in line with all of the other inputs that I had in front of me.

The Hon. DAMIEN TUDEHOPE: So the only thing that elevated Mr Murray ahead of the other candidate was the Minister's email?

PETER DUNCAN: My response is it wasn't the only thing.

The Hon. NATALIE WARD: Was there any other objective evidence between the time of that email and your decision?

PETER DUNCAN: There was. There was the interview process, there was a psychometric test, there were the reference checks—

The Hon. NATALIE WARD: No, this is after.

PETER DUNCAN: —all of which came after the interviews.

The Hon. NATALIE WARD: No, they're done. But after those—all of those were done—you put the two candidates forward to the Minister for her input.

PETER DUNCAN: That's right, yes.

The Hon. NATALIE WARD: You had one in the highly suitable category. We know that that was a woman who was highly qualified with experience, and the other one was a lesser category. Did you have any other objective evidence before you, after all of that, other than the Minister's email?

PETER DUNCAN: And the probity report, which came after that.

The Hon. DAMIEN TUDEHOPE: The probity report came afterwards, did it not, because you had made a selection?

The Hon. NATALIE WARD: He had been selected.

PETER DUNCAN: No, that's not the case because I'd started the discussions and had a draft report before I made the selection.

The Hon. DAMIEN TUDEHOPE: So at the time that you said one was more highly suitable than the other, do you say to us today that, if you'd had the probity report prior to the assessment by the Minister, that that would have been different?

PETER DUNCAN: Sorry. To be clear, if I'd had the probity report and it had said something negative? That's what you're saying?

The Hon. DAMIEN TUDEHOPE: No, say it was as it was.

PETER DUNCAN: That's not the situation I had. I had the situation and all the facts in front of me.

The Hon. DAMIEN TUDEHOPE: The facts were that you preferred one over the other when you sent these two candidates to be interviewed by the Minister.

PETER DUNCAN: The panel had deliberations and, as you said before, they were extremely close. I don't know why they used the terminology the way they did, but I was satisfied, as I said in my opening statement, that it was broadly in line with the deliberations of the panel.

The Hon. DAMIEN TUDEHOPE: It can't possibly have been because one of them was ranked higher than the other.

PETER DUNCAN: As you said, they were very close and that's the situation we signed off on. When you have three or four people in the room, they all have an opinion.

The Hon. DAMIEN TUDEHOPE: But the panel had ranked one ahead of the other and the only thing which exists afterwards—in fact, the further direction to you is to exit out of the process one of the candidates and hope that she stays. That is the only further direction which she gives you.

PETER DUNCAN: The other point that I would like to make is—and I said this clearly in the panel process—that they weren't to be ranked, and the criteria that came back, as you say, is not normal. That wasn't deemed to be a ranking, in my mind, and I had asked that during the panel process.

The Hon. NATALIE WARD: But they were ranked. That's the fact.

PETER DUNCAN: They weren't ranked.

The Hon. NATALIE WARD: They were ranked.

PETER DUNCAN: It wasn't a ranking. It was that people put a descriptor there that's not normal.

The Hon. NATALIE WARD: "Highly suitable".

PETER DUNCAN: They were both very suitable or highly suitable people.

The Hon. NATALIE WARD: Just to be clear, Mr Murray was not in the "highly suitable" category, was he?

PETER DUNCAN: He was in the "very suitable" category.

The Hon. DAMIEN TUDEHOPE: Which doesn't exist.

The Hon. NATALIE WARD: Yes, but he was not in the "highly suitable", which was created afterwards.

PETER DUNCAN: As far as I'm concerned, that's semantics. I felt it could go either way, and, with all of the information in front of me, I made the decision.

The Hon. DAMIEN TUDEHOPE: When you, in your capacity, sat on the evaluation panel, Mr Murray came through and was presented to the panel from the assessment panel as a risk, was he not?

PETER DUNCAN: That theme came through, I think, from the search process as well. That's correct.

The Hon. DAMIEN TUDEHOPE: Indeed. Why do you understand that was the case?

PETER DUNCAN: Look, I think the search firm did not have a great understanding of his experience. We discussed this in the evaluation panel. When we opened up his presentation, his representation of his qualifications and his work with this tier 1 contractor, he was very impressive. He provided a very impressive case. The evaluation panel didn't think that he was a risk after that process. Otherwise, if he was a great risk, we wouldn't have put him forward.

The Hon. DAMIEN TUDEHOPE: But you still didn't elevate him to a level higher than the other candidate, did you?

PETER DUNCAN: As we said before, it was very lineball.

The Hon. NATALIE WARD: When you made that decision, Mr Duncan, did you document your reasons for doing so?

PETER DUNCAN: I did in the presentation to the Premier.

The Hon. DAMIEN TUDEHOPE: Did you take any steps in relation to the other candidate to have a discussion with her about her continuing with TAHE?

PETER DUNCAN: There was a continual discussion with both candidates leading up to the appointment.

The Hon. DAMIEN TUDEHOPE: Did you have that discussion in accordance with the Minister's direction?

PETER DUNCAN: Once the appointment had been made, I had communicated with her.

The Hon. DAMIEN TUDEHOPE: So the Minister had given you a direction, which you acted on?

PETER DUNCAN: No, it was my own personal ethics. I feel that you need to talk to all candidates in these processes and communicate. She had put a lot of effort in, as had all the other candidates. As I said, the four of them did an excellent job, and there was only one job to fill. I did communicate with her afterwards and give her a debrief. In fact, I think we may have even met in person. I offered that opportunity to give her a debrief.

The Hon. NATALIE WARD: So other than the brief to the Premier, you made no documentation about why you chose the lower ranked candidate?

PETER DUNCAN: The documentation was in the selection and evaluation report and in the material—the brief and the document to the Premier. That documentation was prepared for me by the Public Service Commission and my office.

The Hon. NATALIE WARD: But I think Ms Dobbins gave advice to you that you should document the reasons for your decision.

PETER DUNCAN: We documented the reasons as far as possible in the presentation to the Premier and in the brief.

The Hon. NATALIE WARD: About why someone with—

The Hon. DAMIEN TUDEHOPE: To include the preference of the Minister?

PETER DUNCAN: We said that we had consulted with the Minister and the Public Service Commissioner, which is the appropriate practice under the Act.

The CHAIR: Thank you for coming along and for being available to answer our questions. I think some of us have been getting up to speed on what a recruitment process involves.

The Hon. MARK BUTTIGIEG: Yes, very informative.

The CHAIR: Yes, it has been very informative. It has been a little bit of a steep learning curve. I think one of the issues that you might be able to clarify—and just listening to your opening statement, Mr Duncan, has begun to clarify this for me. When you talk about the two different types of recruitment processes—and I'm looking at your briefing of 26 April in relation to the recruitment. We talk about what is involved in this merit-based selection process. One of the concerns I have had from the evidence that we've heard from Mr Gartrell is that there appeared to be a bit of interference or directional guidance in some part of that process. Is it the case that the merit-based assessment process really only begins at that assessment panel process? Do we need the actual search and the filtering in and gathering of candidates into that process to also be independent?

PETER DUNCAN: It's a very good question. You could ask yourself, in the modern day communications that we have—online and digital—how much we do need of that. But it's been a very traditional process. It's happened with all other secretaries and processes, and it's done at arm's length in the Public Service Commission. That would be something that the Public Service Commission could probably answer a little better than me in the fact that they do that. My view of this, however, is that there are different ways of doing it. You don't necessarily need to go through the search; you could do it through an expression of interest process. It depends how wide you wish to go. That is the issue in this case. We went for an international search so therefore it dictates the type of firm.

You asked about the process, if I can answer that as well. The very reason we put an assessment panel in and an evaluation panel in was to separate things so that you had a very complete and really independent process. The evaluation panel doesn't get into all of the numbers of people that apply in the assessment. The people that assess it assess the capability, getting to the evaluation panel and then you do your work from there.

KATE BOYD: It's a very interesting question that you raised. It really does highlight the unique role of secretary under the GSE Act. They are very unique in terms of the rules that apply. There is no requirement to comply with the merit-based assessment rules in part 3 of the rules, so there is no prescribed process. You really do have quite a lot of latitude as to how you conduct any recruitment process that you choose to conduct. The key factor when considering independence, as you've put it, is that, under rule 52, consultation with the Minister is formally required. I think in that context it is not surprising that the Minister would be consulted at various points within the process. I think you have to really examine this process in the context of those provisions and the fact that the role of secretary is very unique in that regard.

The CHAIR: That is an incredibly useful answer. Just so I can fully understand, if we took a theoretical extreme where, say, the Minister went out and found who she thought were 10 suitable candidates and then put them into the process, would it still be a merit-based selection process if we are following the assessment panel and then the evaluation panel to work out whether any of those candidates are actually suitable for the role? Would that still be merit based?

KATE BOYD: I think you would have to look at that by reference to the principles in the merit-based rules in part 3. The key principle there is that candidates are assessed by reference to other candidates in light of their suitability for the role, and there is a comparison between candidates with the skills and experience for the role. I think a closed selection process would raise questions as to whether or not there had been compliance with that principle of merit-based assessment. But in this process there was a global search, effectively. I think the consultation with the Minister and the input and feedback from the Minister's office needs to be assessed in light of that.

The CHAIR: From your perspective, if the Minister had directly gone and asked somebody to apply—and I am not saying she has in this case; I am trying to do a theoretical—and had then directly told the search agent, "Can you please make sure they've got an interview?" would that be problematic when looking at whether or not it would still be merit based? Because it's still the assessment and evaluation panels who are making the decision on suitability.

KATE BOYD: It's difficult to answer hypothetical questions, as I've said. But I think that there is a role for the Minister in relation to the appointment of secretaries. It is incredibly important that Ministers have confidence in the person that is appointed to lead their department. You have to allow for a reasonable amount of consultation with the Minister about that. That's all I would say on that point. I think leave it to the Committee to deliberate on what level of consultation is appropriate in a merit-based process.

The CHAIR: Mr Duncan, given what I'm hearing about it not being unusual for there to be some consultation with the Minister in terms of the process for a secretary position, is it unusual for a chief of staff to be asked to provide feedback on a shortlist?

PETER DUNCAN: At that early stage, I guess the process we put in place was unusual. When I went to the Public Service Commissioner, she said most of these secretaries are direct appointed. I felt, particularly given the request for an international search, that we had to go through a process. We set the two steps up to avoid any impact on the evaluation panel. The issue of whether it's unusual or not—these things can happen, particularly when you are doing some consultation. In this case, it was an unusual circumstance, the process. I believe that was as a result of early consultation.

The CHAIR: If we look at just the assessment—if we just park whether or not it was appropriate for the chief of staff to get involved in that shortlist—and we look at the merit-based processes beginning at that assessment panel, that being the independent bit, was it then made clear to the members of the assessment panel that Mr Murray had only been interviewed because the chief of staff had requested? Or was that information not available?

PETER DUNCAN: I was not involved until the evaluation process. I deliberately kept away from the assessment process, to keep separate to that. So I'm unaware of what was said in the assessment panel.

The CHAIR: Is that something that you were aware of by the time it got to the evaluation panel stage?

PETER DUNCAN: No, not at all, because we had no connection between the two. That was the idea, to set the process up so that it remained separate. So I had no briefing, other than the materials I received from the search firm, which were—

The CHAIR: So the fact that there had been intervention at that early stage did not then present itself as something relevant for you in your deliberations. You were unaware of it at the time you were doing the evaluation?

PETER DUNCAN: I was aware that there'd been discussions prior to the assessment panel looking at it. I was aware that there was contact made from the Minister's office, from the chief of staff. My advice to the chair of the panel was that's a matter for the assessment panel, not for me. It's not something I could get involved in, because, quite honestly, I had to keep the processes separate.

The CHAIR: I understand that the probity process wasn't undertaken before the evaluation stage. Is that correct?

PETER DUNCAN: There are levels of work that the Public Service Commission and the search firm do. The probity piece that I did was after going through the evaluation stage and realising there's a specific bit of probity that was required over and above the normal codes in this case because the person was coming from a tier 1 contractor. So I specifically wanted to find out if there were any issues there. Secondly, I wanted to find out, if he should proceed, that we would have a mechanism to mitigate any risk that could be there, which is pretty standard practice in these sorts of appointments.

The CHAIR: It appears from the SO 52 that some of the very basic probity checks hadn't been done before the evaluation stage—things like checking driver licences and passports and things. Is that correct?

PETER DUNCAN: That's really a matter for the search firm and the PSC. That's not the role of the evaluation panel.

The CHAIR: Is that something you would normally expect to occur before the evaluation process?

PETER DUNCAN: No, not necessarily, because you usually do it on the short shortlist so that you're not wasting a lot of time and money on people that are not going through to the end. It's once you get down to, in this case, the final two that you would do those checks. The same with reference checks. There's little value in doing all that before you get to that point, unless there was something staggeringly obvious that was a problem. But you would do it with the final two in this case.

The CHAIR: I did ask the witness Mr Lamb earlier whether the fact that he had come from Laing O'Rourke and the requirements that would need to be put in place to manage a conflict of interest were considered at the time, in terms of the weighting of whether he was a good candidate or not.

PETER DUNCAN: Something like that wouldn't be considered as part of the weighting-of-the-candidate process. It would be seen as risk mitigation, if you were going forward with a successful candidate, to do that type of report.

The CHAIR: In terms of the level of management that's been set up to deal with the conflict of interest, or potential conflict of interest, I understand that he's excluded from making certain decisions or being part of certain discussions for 12 months. Clearly that is going to have an impact on his performance in the job. Was that not considered as part of the evaluation process?

PETER DUNCAN: Not really. It's pretty standard practice in big government infrastructure organisations or in private sector organisations—you know, the old term of Chinese walls and things like that. You put things in place to mitigate risk, and probably the best solution to risk is transparency and that is exactly what this is. Not only does he know about it, his organisation knows about it. The general counsel of his organisation knows about it and he has to report to the Premier's Department about it. So any contact he has, he is pretty well covered with that. I've seen this with other government agencies, and I see it all the time in the private sector.

The CHAIR: When Ms Colin was being considered—and I appreciate we are not talking about Ms Colin in detail or her application in detail—was the fact that she had just come from TAHE, which was clearly on the new Government's radar in terms of let's call it a restructuring of TAHE, considered at all relevant in terms of her suitability?

PETER DUNCAN: Not really. I think that would be considered as part of the government family and coming across as part of that process. That was not the same level as this risk at all. They weren't contracting with each other and that sort of thing.

The Hon. MARK BUTTIGIEG: I just want to walk you through this process because I think it's very important. We've had this on evidence this morning, but I just want to clarify, Mr Duncan. You have this, for want of a better characterisation, desktop analysis to create a shortlist from NGS, which has been characterised as less than satisfactory and maybe not worth the money we pay. Gartrell offers an opinion about other people who should go on, given that shallow gene pool. At that point, it's got to go through the assessment and the evaluation vetting. If those two panels have discharged their jobs properly, those candidates wouldn't have got through that process, correct? In other words, what was served up to you, including Murray, was a vetting process by the assessment and the evaluation committee. Correct?

PETER DUNCAN: That is correct generally, but I must correct one issue. The search firm were not asked to do a shortlist. It was the assessment panel that were tasked to do it.

The Hon. MARK BUTTIGIEG: Sorry, the search firm does the pool of candidates; the assessment panel comes up with the shortlist.

PETER DUNCAN: That's right.

The Hon. MARK BUTTIGIEG: And then it goes through the evaluation panel.

PETER DUNCAN: That's right.

The Hon. MARK BUTTIGIEG: But that vetting process to test the veracity or the quality of the shortlist would have knocked out anyone who was unsuitable. Correct?

PETER DUNCAN: Exactly. And the types of people that we had on there were very experienced in knowing the technical requirements and other management and executive requirements of the role.

The Hon. MARK BUTTIGIEG: In terms of your evidence about this very fine distinction between highly suitable and very suitable, which my colleagues were pursuing earlier—you've got this situation where you've got these two potential successors for the job, being one "highly" and one "very", and you describe it as there's not a great chasm between those two characterisations. Your consultation then with the Minister, that is in fact a requirement, isn't it?

PETER DUNCAN: It's a requirement under the Act. That's correct.

The Hon. MARK BUTTIGIEG: It's not a voluntary thing. From the want of sounding obvious, can you tell us why you think that provision is in there?

PETER DUNCAN: I imagine it was as Ms Boyd has alluded to. These are very significant roles, and the Act would have done that specifically because you have the Premier or the delegate making an appointment to the Minister's portfolio, and it would just be logical to me that there would be consultation. It's a logical requirement under the Act to consult with the Minister for the secretary appointment to their role.

The Hon. MARK BUTTIGIEG: In other words, because the Minister—these are human beings in relationships we're talking about, and the Minister has to work hand in glove with her secretary. That provision and that opinion from the Minister presumably would carry a fair bit of weight in the decision-making if you had two candidates who were pretty close, correct?

PETER DUNCAN: I think the word is "best fit", and that's usually used in recruitment processes. You get down to the best fit for the position, and that's what occurred in this case.

The Hon. Dr SARAH KAINE: Mr Duncan and Ms Boyd, I think that your evidence was that in this recruitment process reasonable consultation, consistent with, I think, rule 52 of GSE was required, and that there is no requirement to comply necessarily with some of the other recruitment standards for other areas. I think, Ms Boyd, you said there was a lot of latitude in the process when it comes to appointing a secretary. I wanted to ask how could you compare that or explain how that's different, say, to the appointments that might be made in other places in the senior executive service? You would be aware that tomorrow we have another hearing, and I think it's instructive to understand how this appointment, and the process for this appointment, differs from the appointment of, say, a band 1 in the senior executive service. What's the difference in those processes?

KATE BOYD: I think the biggest difference is that the merit-based assessment rules in part 3 of the GSE rules apply to any appointment of a public service senior executive other than a secretary. You must appoint solely on merit and I think there is no prescribed role for the Minister in terms of consultation. In fact, due to recent amendments to the GSE Act, it is now codified that secretaries can't be directed by a Minister in relation to the exercise of their employer functions. And, of course, a secretary has the employer function for all of the senior executives within their agency or their department. It is a very different situation.

The Hon. Dr SARAH KAINE: In contrast to the secretary, the Minister does not have a role in the appointment—in fact, expressly doesn't have that role because it is delegated.

KATE BOYD: Not a statutory role. But I think in the second reading materials for the amendments to the GSE Act, which codified that secretaries can't be directed by their Minister in relation to their employer functions, it was foreshadowed that Ministers might provide performance feedback from time to time on senior executives, and that is reasonable. But the line is there that they cannot direct a secretary in relation to who is employed within a department, and that is central to the principle that the public service is independent and apolitical of the government of the day.

The Hon. PETER PRIMROSE: My question is to Ms Boyd but, please, I also address it to the others, if they wish. Given that our terms of reference, particularly (d), (e) and (f), relate to issues to do with conflicts, and conflicts of interest particularly, I thought it would be worthwhile comparing and contrasting with other incidents. I will ask you questions about one—another incident that is relevant to the terms of reference. Given that the Hon. Natalie Ward was sports Minister when her former boss the Hon. Greg Pearce was appointed to the board of Venues NSW—

The Hon. NATALIE WARD: Point of order—

The Hon. PETER PRIMROSE: —which was within Ms Ward's portfolio responsibilities—

The Hon. NATALIE WARD: This is just unparliamentary.

The CHAIR: Order!

The Hon. NATALIE WARD: This is just a personal attack.

The CHAIR: I will hear the point of order. Do you want to make any comment in relation to that point of order? It seems—

The Hon. PETER PRIMROSE: I don't know what the point of order is.

The Hon. MARK BUTTIGIEG: What's the point of order?

The Hon. NATALIE WARD: I ask that it be ruled out. It's just a personal attack.

The CHAIR: Can I ask how this is relevant?

The Hon. PETER PRIMROSE: It's relevant because we are dealing not only with this particular incident but, in terms of our terms of reference, the entire day has been centred around conflicts of interest. Ms Boyd is the general counsel of the Cabinet Office and is fully apprised of all conflicts of interest relating to appointments and the process for appointments and any other related matters. It is part of our terms of reference, and I believe— if I could at least finish my question—

The Hon. NATALIE WARD: Chair, this is, in my submission, a personal attack on me. It is unfair and unparliamentary. If the member has an issue, he is always entitled to raise it by way of substantive motion in the House. This is an inquiry into the appointments of Josh Murray to the position of Secretary of Transport for NSW and Emma Watts as NSW Cross-Border Assistant Commissioner. If he would like to have an inquiry into me, he is most welcome to do so. I think this is just a low act by this member—

The Hon. PETER PRIMROSE: That may be worth considering—

The Hon. NATALIE WARD: This is a low act.

The Hon. PETER PRIMROSE: —but my point is that the terms of reference were set by the House. The House's terms of reference (d), (e) and (f) ask us to not only examine—

The Hon. NATALIE WARD: Peter, you are better than this.

The Hon. PETER PRIMROSE: —the particular incident that we've been examining all day but presumably asked us to consider the broader issues about, as it says, "public expectations, principles and requirements for appointments".

The Hon. NATALIE WARD: Well, then call me as a witness.

The Hon. PETER PRIMROSE: I think it's appropriate that I at least be allowed to ask my question.

The Hon. NATALIE WARD: At least do it directly.

The Hon. MARK BUTTIGIEG: To the point of order: Could I make a suggestion. By way of comparison, I think it's more than valid within the terms of reference that a comparative case study be used, but perhaps a hypothetical might be a good idea.

The Hon. NATALIE WARD: This is desperate.

The CHAIR: On the point of order, I'm not convinced that from a procedural fairness point of view proceeding with that particular question would be in order. I do think the terms of reference are broad enough for it, but I think from a procedural fairness perspective it might be better to put the question as a supplementary or you could ask it in a way that goes to the principle rather than the specifics.

The Hon. PETER PRIMROSE: Okay, I'll ask it that way.

The Hon. NATALIE WARD: I complied with all of my obligations, unlike your Minister.

The CHAIR: Order!

The Hon. Dr SARAH KAINE: Do we want to start with that, honestly?

The CHAIR: No, we don't.

The Hon. PETER PRIMROSE: If you want to start with that, I ask—

The Hon. NATALIE WARD: You have.

The CHAIR: Order!

The Hon. NATALIE WARD: You just have. You've just done that.

The Hon. Dr SARAH KAINE: Really, honestly, let's go there. Mr Tudehope, do we want to start with you as well? Come on!

The Hon. NATALIE WARD: This is a desperate, desperate act by a member who knows better, a former President of the House.

The CHAIR: Order! My patience is wearing really thin.

The Hon. PETER PRIMROSE: I haven't even been able to ask my question.

The Hon. NATALIE WARD: It's outrageous, Peter.

The Hon. DAMIEN TUDEHOPE: It was pretty ordinary.

The Hon. PETER PRIMROSE: You have given me a direction. I'm seeking to abide by the direction.

The CHAIR: Please give it a go.

The Hon. PETER PRIMROSE: My question then, if I may: In the case where a Minister in the former Government appointed her boss to the board of Venues NSW, which was within her portfolio's responsibilities, and that particular individual had donated \$1,500 to the New South Wales Liberals less than two months prior to his commencement in the role, what disclosures would you expect that Minister would have to make about the donation, conflicts of interest and any other key facts relating to the appointment, and who would they be expected to speak to about the appointment prior to it going to Cabinet?

The Hon. NATALIE WARD: And Chris Minns did the same with Morris Iemma; he appointed Morris Iemma.

The CHAIR: Order!

KATE BOYD: I'm sorry to disappoint you, Mr Primrose, but I have refused to answer hypotheticals previously in this session and I will continue to object to hypothetical questions. I'm more than happy to answer questions about matters of fact, and I will remind all members that disclosures to the Premier under the ministerial code are confidential and there is an overriding public interest against their public disclosure under the GIPA Act, so I'm unable to comment on specific disclosures that have been made to the Premier, either by former Ministers or current Ministers.

The Hon. PETER PRIMROSE: You understand why then I didn't want to make a hypothetical—

The Hon. NATALIE WARD: Desperate.

The Hon. PETER PRIMROSE: —but I was abiding by the Chair's ruling.

The Hon. NATALIE WARD: Desperate act, Peter.

The CHAIR: Yes, and perhaps you could consider it as a supplementary question.

The Hon. PETER PRIMROSE: I sure will be.

The Hon. Dr SARAH KAINE: Mr Duncan, you're a very experienced public servant. You've been a department secretary. Could you speak a bit to the importance of a good working relationship between the Minister and secretary of the department?

PETER DUNCAN: I think the most important thing is communication. Absolutely communication, and it probably goes to a point—I've got to finish something that Ms Boyd said. Consultation is not defined in the Act, and that's problematic in a way—not in the rules—so I need to put that on the record. But communication and

ability to work together: this concept that we mention, and recruiters often mention, in the way of best fit. People that actually are working and achieving the same goals is absolutely critical to that sort of working relationship.

The Hon. Dr SARAH KAINE: You were part of the evaluation panel. We spoke about the assessment panel and then the evaluation panel, and you speak about the process deliberately being quite separate.

PETER DUNCAN: Yes.

The Hon. Dr SARAH KAINE: I don't know that we have yet asked or heard from any of our witnesses as to how the evaluation panel is selected. You're on it as the delegate and ultimately the person responsible.

PETER DUNCAN: That's right.

The Hon. Dr SARAH KAINE: Could you just talk us through the rest?

PETER DUNCAN: In the protocol that's there, the Public Service Commissioner is consulted. The Public Service Commissioner and I have a discussion—I say "I" as the secretary of the department, not as the chair of the evaluation panel—about how we should proceed. We had that discussion. I have to say it was very challenging to find the independent in this because it's a field where everybody knows everybody. We felt the most appropriate and straightforward way was to go to the Federal Government and get the most senior bureaucrat in the transport industry, and that's what we did. We went for the position of experience. Obviously that person has broader experience in State governments in Victoria and New South Wales as well. So we went there. The Public Service Commissioner advised me that she normally sits on these processes, so that's how the panel was established.

The Hon. Dr SARAH KAINE: That panel, the formation of which you have just described, did form the view that Mr Murray was a strong candidate and very suitable for the role. Can you talk us through how the panel reached that conclusion and maybe the essential criteria in the report of 27 June?

PETER DUNCAN: That's right. We went through, probably—there were two levels during the interview period. We gave them a pre-prepared scenario the weekend before and asked them to return with a presentation to the panel, which they did. We then asked them questions on that scenario. We went through the normal, pretty traditional process of half a dozen questions and then discussion in the process. In any interview process you've been in, it's pretty traditional, although the scenario was quite challenging, outlining the territory, the environment and the sorts of things that they would face and challenging them to try and come up with how they would address the challenge that Transport has in front of it, a \$23 billion challenge. It's not an easy one. That's per annum.

The Hon. Dr SARAH KAINE: Following that presentation, the traditional, Mr Murray came out as very suitable for the role.

PETER DUNCAN: The two candidates came out as we've assessed, exactly.

The Hon. MARK BUTTIGIEG: It would be inconceivable, wouldn't it, that you would serve up to the Minister, as you're required to do, as you put on evidence before, an unsuitable candidate?

PETER DUNCAN: Correct. And the reason for putting two forward was to minimise risk and provide a position. Anything can happen in these processes.

The Hon. MARK BUTTIGIEG: This idea that somehow because there was a dialogue at points in the process about extra candidates that they would make the final cut solely because the Minister wanted them, it just doesn't wash, does it, given the process, the various stages we've seen that they have to go through?

PETER DUNCAN: I go back to the point from before: the longlist and the assessment panel do the shortlist, the shortlist came to the evaluation panel. We were separate from that, so we only had the shortlist of four very capable people, I must say. I can only say, in these processes you would like to appoint four, but you don't get that opportunity.

The Hon. Dr SARAH KAINE: Mr Duncan, we heard evidence earlier today from the Deputy Commissioner of the Public Service Commission, who said that he was very confident that the process that was followed was independent and merit based. You've expressed, as the person ultimately responsible, that you expressly went into this process with that intent that it be independent and merit based.

PETER DUNCAN: Absolutely.

The Hon. Dr SARAH KAINE: How comfortable and confident are you that it did achieve that?

PETER DUNCAN: I am confident because of the separation and the process that we put in place. I had almost daily discussions with the Public Service Commissioner, so I had independence there. I had independence in the process. I'm very confident.

The Hon. DAMIEN TUDEHOPE: Do you agree with me that there is a difference between "highly suitable" and "very suitable"?

PETER DUNCAN: I agree with your original comment, which is it is very marginal. It's paper thin.

The Hon. DAMIEN TUDEHOPE: I accept that. I just want to take you to your report. Does your report address anything as to your reason why Murray was more suitable in the final analysis than Colin, other than the Minister's direction to you?

PETER DUNCAN: No, I believe that I had all of the things in the report—

The Hon. DAMIEN TUDEHOPE: Can you point to anything, anything?

PETER DUNCAN: I advised the Premier of all the considerations I took into account, including the consultation.

The Hon. DAMIEN TUDEHOPE: But can you identify anything in the report as to why one was more suitable than the other?

PETER DUNCAN: I said, the various steps I looked at, the reference checks, the evaluation process and all of that.

The Hon. DAMIEN TUDEHOPE: I know it says that. Would you agree with this: that if the Minister is saying that the decision was her decision, she would be wrong?

The Hon. Dr SARAH KAINE: She's not saying that. She's not saying that.

PETER DUNCAN: I can't talk for the Minister and I can't make those—

The Hon. DAMIEN TUDEHOPE: But I put it to you—

PETER DUNCAN: I have no opinion on that. My view is we made the best decision in the process that was presented to us.

The Hon. DAMIEN TUDEHOPE: But if the Minister is in the public arena saying, "The decision was my decision", she would be wrong.

PETER DUNCAN: My view is that's a semantic position. I say that I got consultation process and feedback from the Minister and I made a decision.

The Hon. DAMIEN TUDEHOPE: Yes, but she takes the view that she made the decision.

PETER DUNCAN: It's quite well documented that I made the decision. That's the only comment I wish to make. I made the final decision and I'm accountable for it.

The Hon. DAMIEN TUDEHOPE: Let me ask Ms Boyd. If the Minister is saying that it was her decision, at law she would be wrong, wouldn't she?

KATE BOYD: I believe the Minister may have been expressing a preference and that her decision was that she had chosen a preferred candidate in the context in which she was asked, "Who was your preferred candidate?"

The Hon. DAMIEN TUDEHOPE: And so she took the view that her email was in fact a direction, didn't she?

KATE BOYD: No, she made a decision about who she preferred and relayed that to the secretary, is one way of looking at that. But I'll allow you to draw inferences from those statements.

The Hon. MARK BUTTIGIEG: Try a different angle, mate. You're not getting anywhere.

The CHAIR: Order! We are out of time.

The Hon. NATALIE WARD: Chair, could I just clarify one point?

The CHAIR: What I'm going to do is allow Ms Ward one more question and then I'm going to allow Dr Kaine a question, and then we will close.

The Hon. NATALIE WARD: I want to confirm, Ms Boyd, that this was a public service process with conflict of interest obligations. That's correct, isn't it?

KATE BOYD: Senior executives like Mr Duncan are bound by the code of conduct and ethics for public service employees and they do have conflict of interest obligations—impose conflict of interest obligations on public officials involved in the process.

The Hon. NATALIE WARD: And this was a public service process to which that applies?

KATE BOYD: Yes, to the extent that members of the panel are public officials, yes.

The Hon. NATALIE WARD: Mr Duncan, was the other candidate informed that she had to have a good—

The Hon. Dr SARAH KAINE: That's five questions. It doesn't matter if you stop, you've still asked five questions.

The CHAIR: If I could ask you to—

The Hon. NATALIE WARD: I could've asked it by now. Was the other candidate informed that she required a good working relationship with the Minister?

PETER DUNCAN: That was absolutely the reason for candidates going forward, and the candidates were informed that there was more than one going forward. We didn't say what the number was.

The Hon. NATALIE WARD: And that was determinative?

The CHAIR: Order! If there are further questions, Ms Ward, you can put them on notice.

The Hon. Dr SARAH KAINE: Mr Duncan, in your opening statement you outlined your long and impressive experience as a public servant and your experiences at the highest levels of the public service. From that, we could assume that you're competent and well able to take a suggestion from a Minister and not read that as a direction from a Minister, that you've been around long enough to understand your responsibilities and know what the balance of that relationship has to be?

PETER DUNCAN: I would say I hope so.

The CHAIR: Thank you for coming along. To the extent that there are supplementary questions or that you took questions on notice, there will be 21 days to respond. The Committee secretariat will be in touch around that.

(The witnesses withdrew.)

Dr MARIANNE BROADBENT, Managing Partner, NGS Global, sworn and examined

The CHAIR: Would you like to begin by making a short opening statement?

MARIANNE BROADBENT: I am a managing partner of NGS Global. I would like to make an opening statement that outlines the processes we support and make some comments in relation to specific issues in the Committee's terms of reference concerning the appointment to the position of Secretary of Transport for NSW. NGS Global is a top-tier executive search and leadership advisory firm. Our partner team have led high-level executive search services to the private, public, education and not-for-profit sectors for about 16 years.

These partners have been engaged to undertake multiple appointments for departmental secretaries, commissioners, chief executive officers and other senior executive searches across all jurisdictions in Australia as well as the broader Pacific. Over the past four years we have personally managed dozens of successful executive search services, including those for board chairs, board members, CEOs and other C-level appointments across multiple sectors, including for major integrity bodies. Regarding the search and recruitment for the Secretary of Transport for NSW, I was the lead executive search consultant appointed by the NSW Public Service Commission to work with it and the Department of Premier and Cabinet on this appointment. Our understanding with this appointment was that it was to be a merit-based, competitive process.

As you would appreciate, this work is usually done with a high level of confidentiality and sensitivity, and we work to the brief provided by the client. I'd like to make two further comments. One is in relation to the brief. Our brief, both in terms of the written role description and verbal briefing, stressed a strong mix of strategic leadership, operational experience and diversity of experience for the appointment. In relation to scale and scope of accountabilities, there was the importance of experience in a large, diverse, dispersed workforce, taking them through change, while continuing to deliver and improve upon service outcomes for customers and communities. We were advised that there was less need for the appointee to be experienced in the infrastructure, construction management or project leadership aspects of the portfolio.

Second, I refer to the process. Executive search and recruitment processes go through a number of stages, and it's an iterative process between the client and the search firm. This includes extensive global outreach to potential candidates and tapping multiple sources for recommendations. It also includes extensive interviewing and screening of those candidates who could possibly be shortlisted, and in this case that was about 12 candidates. The client will usually recommend names to include in the candidate pool or their interest in particular candidates through the search or advertising process. Our practice is that we provide a number of preliminary reports that group the candidates into categories. We describe these as "client progress reports". I note that the second of these reports has been quoted in the media.

In these reports, category A includes search candidates and significant internal candidates who've indicated interest in the role; group B includes others to whom we've reached out; group C is those who have recently applied and who are under review, or those assessed as "not recommended"; and group D are those who were approached who have declined. Mr Murray applied for the position and his application was acknowledged in the usual way by our team. In the second client progress report, his application was in the "under review" category; it was not in the "rejected" category. I acknowledge that there was some confusion initially, as his application became separated from his cover letter in our office and I phoned him about another role, but that was quickly corrected in a matter of minutes and I apologised for that confusion.

Mr Murray presented as clearly intelligent, articulate, well motivated and keen to pursue the role. We received a message from the client that there was interest in his candidature. We proceeded to undertake a full screening interview and that subsequent report showed that we assessed him as "competent" or "high" in all capabilities. Part of our job is helping manage risk or stretch in roles with candidates, and it would be remiss in our process if we didn't mention that. This does not mean that the candidate could not do the job. The areas to which reference is made in the fuller candidate report, post our full screening interview with Mr Murray, related to the initial brief we were given, including the size and scale of direct leadership accountability and experience, and the lens of chief-of-staff-type roles versus direct line management roles.

We completely understand that there can be a change of emphasis over time, and these decisions are with the client rather than the search firm. As you've heard, the fact that there were three candidates regarded as "suitable" by the evaluation panel in fact indicates a strong process and a strong outcome. Finally, I think it's important to note that we developed a very good relationship and mutual respect for Mr Murray throughout the process. Thank you.

The Hon. DAMIEN TUDEHOPE: Ms Broadbent, thank you very much. Thank you for your opening statement. Your firm has been the subject of significant criticism in this room today. Have you been able to listen to any of the proceedings today?

MARIANNE BROADBENT: Some of it. I had other client commitments which I wanted to keep because I don't like to disappoint clients. I would stress that the process was very robust. There were 35 candidates who declined who we approached, and I spoke with all of those. Twelve of those were international candidates who were included and who were approached. Based on what you've heard, it was indeed a robust process.

The Hon. DAMIEN TUDEHOPE: The fact that you included in your initial search reports or progress reports your contact with a wide range of people, would you appropriately describe that as preparing a puff report?

MARIANNE BROADBENT: No, I would not. I could take exception to that. If you look at all of the people listed in the decline, they were either recommended to us, they were known to us or they were part of the search process where others recommended them. There was a strong desire to have someone who had good international experience, as mentioned earlier, and who had strong executive experience. I don't believe it was a puff process, and I don't think anyone actively involved would say that.

The Hon. DAMIEN TUDEHOPE: I'm not accusing you of that; others may. Ms Broadbent, you've indicated to us in relation to the stages in which you progressed the various applications that they are included in various categories—A, A1, B and C. You've indicated that C may fall into a variety of subcategories, being those who were unsuitable and those who have not yet progressed through the system. However, by the time you get to a so-called list for the assessment panel, that process is complete, is it not?

MARIANNE BROADBENT: We were asked to prepare a set of shortlist recommendations, which then the assessment panel proceeded to review, along with all of the documentation, and then decided on four candidates to take forward to the evaluation panel.

The Hon. DAMIEN TUDEHOPE: By the time that it got to the candidates that you referred to the assessment panel, you had formed a view by way of either interview or some other assessment about their suitability or otherwise. Those candidates, you had formed a view about their suitability or otherwise, had you not?

MARIANNE BROADBENT: Based on the initial brief that we were given.

The Hon. DAMIEN TUDEHOPE: And in that particular brief, Mr Murray, for example, was described as a "significant risk", correct?

MARIANNE BROADBENT: We did use those words. That was later modified to "risk". There was always a stretch.

The Hon. DAMIEN TUDEHOPE: Modified to "risk" after the assessment panel had completed its analysis. It was modified from "significant risk", but he remained a risk in your view, did he not?

MARIANNE BROADBENT: There was always a stretch, and the panel report mentions that as well in relation to the role being more complex than other roles.

The Hon. DAMIEN TUDEHOPE: The fact is that he didn't have any operational experience, did he?

MARIANNE BROADBENT: He had less operational experience than some other candidates but he had many good qualities, which we have also mentioned.

The Hon. DAMIEN TUDEHOPE: He had good communication skills. He had some—

MARIANNE BROADBENT: Strong people leadership, good communication skills, intelligence and commitment—all of those we've also mentioned in our report.

The Hon. DAMIEN TUDEHOPE: But the risk is that he had never run a railway, never run a bus line, never run a ferry line and never run a road system. His chief experience, to the extent that he had it, was in relation to working for a construction company.

MARIANNE BROADBENT: He had less executive transport management experience than others, but he had been chief of staff earlier on. Having had relatives who have been in chief of staff areas, I know that you deal with a lot of complexity and a lot of oversight in those roles. I certainly did not discount that either.

The Hon. DAMIEN TUDEHOPE: In terms of his ability to manage people and the direct reports to him, the maximum would be between 250 and 500 people that he had been—

MARIANNE BROADBENT: That was what we understood he shared with us at the screening interview, but he had influence over many others.

The Hon. DAMIEN TUDEHOPE: He may have had influence but in terms of his management skills for people it was a team of between 250 and 500 people.

MARIANNE BROADBENT: I could use an analogy here, if you're open to it. I had a role in Gartner where I had to influence a lot of people that didn't report to me. That meant that I had to use very strong communication and influencing skills. Yes, it's different to straight operational experience, but those are still very valuable skills.

The Hon. DAMIEN TUDEHOPE: But this was a much bigger operation than 250 to 500 people, was it not?

MARIANNE BROADBENT: It's 27,000. Not many people have managed 27,000 staff.

The Hon. DAMIEN TUDEHOPE: When you describe him as "risk", that would be a component of that issue in your mind, would it not?

MARIANNE BROADBENT: It was a different type of role than he had before, but it would be different for most people as well.

The Hon. DAMIEN TUDEHOPE: In respect of other candidates, they also had ability in terms of their leadership skills. They had communication skills. You would have assessed them the same way, would you not?

MARIANNE BROADBENT: Yes, we did.

The Hon. DAMIEN TUDEHOPE: In fact, you assessed some of them more highly than Mr Murray, did you not?

MARIANNE BROADBENT: We did.

The Hon. DAMIEN TUDEHOPE: It was because you took into account—looking at all that range of factors, in terms of their experience, ability to communicate, leadership skills, people skills, they were probably ahead of Mr Murray.

MARIANNE BROADBENT: We worked to the brief we had and to our understanding of Mr Murray's background.

The Hon. DAMIEN TUDEHOPE: Do you say anything in relation to that brief that you had that was deficient?

MARIANNE BROADBENT: Probably the latter discussions were around that strong understanding of government. A higher weight might have been put on that interaction with government. Other candidates had that in different ways. I completely accept Peter Duncan's comment that it is important that a Minister be comfortable with the secretary. Those were not factors we were able to take into account early on.

The Hon. DAMIEN TUDEHOPE: Of course, because it is almost impossible to be able to analyse that. But of all the candidates that you saw, he was not the preferred candidate in terms of your assessment of him, was he?

MARIANNE BROADBENT: He was not earlier on. When we scored him, he did relatively well. As I say again, we marked him as "competent" or "high" in all capabilities against the scoring grid.

The Hon. DAMIEN TUDEHOPE: As you did with the other candidates as well.

MARIANNE BROADBENT: With the other candidates who went to the evaluation panel, yes.

The Hon. NATALIE WARD: Were other candidates informed that a good relationship and good communication with the Minister was a requirement?

MARIANNE BROADBENT: I think most of the candidates had some experience in that area and most shared that with us.

The Hon. NATALIE WARD: But were they told that it was a factor—indeed, a decisive factor—in their application?

MARIANNE BROADBENT: I think communication skills are always important. The communication skills and the criteria is listed in the role description as well.

The Hon. NATALIE WARD: Of course it is for roles of that calibre. Communication is of course a skill. But were they informed specifically that communication and a good relationship with the Minister was a decisive factor?

MARIANNE BROADBENT: That would have been a conversation that I had with each candidate that I interviewed, yes. I say "a factor". I can't say whether it was a decisive factor, but certainly a factor. We've done multiple departmental secretary roles, both in Australia and elsewhere. That is always a consideration and candidates at this level are certainly aware of that.

The Hon. NATALIE WARD: Would NGS Global ordinarily—and I'm not having a go; I'm asking factually—put a candidate forward for consideration if their appointment was likely to be a significant risk?

MARIANNE BROADBENT: It's not unusual, in the sense that there are many roles where there is not a deep candidate pool. This is a very complex role. There are probably not a lot of people who could do that role. We included him in our recommendations.

The Hon. NATALIE WARD: Why was that?

MARIANNE BROADBENT: Because we felt that he had a lot of good attributes.

The Hon. NATALIE WARD: But not operational experience?

MARIANNE BROADBENT: Not a particular type of operational experience.

The Hon. NATALIE WARD: In running a transport network?

MARIANNE BROADBENT: Running trains and a transport network was important but not supreme. Real experience in leading large organisations was.

The Hon. DAMIEN TUDEHOPE: But a lot of the other candidates had significant experience in running trains, did they not?

MARIANNE BROADBENT: They had experience in running transport systems.

The Hon. DAMIEN TUDEHOPE: Yes, that's right. You did, in fact, get an instruction, did you not, from the Minister's office to include Mr Murray on the shortlist for the assessment panel?

MARIANNE BROADBENT: We had no interaction with the Minister's office at all, at any stage.

The Hon. DAMIEN TUDEHOPE: Sorry. I accept that.

MARIANNE BROADBENT: As with other potential candidates, we received messages about who Department of Premier and Cabinet might be interested in, and that was not exclusive to that. We did the same with other potentials.

The Hon. DAMIEN TUDEHOPE: Is it true to say that you received an advice from Dianne Leeson to include Mr Murray on—

MARIANNE BROADBENT: We included advice from Dianne Leeson that there was interest in Mr Murray's candidature. I believe that's how it was phrased.

The Hon. NATALIE WARD: Do you see a difference in the terms "highly suitable" and "very suitable"?

MARIANNE BROADBENT: I listened to part of Mr Duncan's assessment. We're very accustomed to using "suitable", "very suitable" and "highly suitable".

The Hon. DAMIEN TUDEHOPE: They don't appear anywhere else except—generally the three categories are "unsuitable", "suitable" and "highly suitable", are they not?

MARIANNE BROADBENT: No, we certainly are accustomed to the "very suitable". It depends on the jurisdiction. That's not unusual.

The Hon. DAMIEN TUDEHOPE: What's the difference between "highly suitable" and "very suitable"?

MARIANNE BROADBENT: The evaluation panel—we did seek to see if there was a lead candidate. As has been indicated, they were very, very close. My recollection is that Ms Colin was ranked slightly ahead of Mr Murray. The reason there was some concern about that was to ensure—and the Public Service Commissioner can speak to this—that there was that identification at the time of those candidates who could possibly be appointed, and my recollection is the lead candidate.

The Hon. DAMIEN TUDEHOPE: Do you include in any of your interview process a question in relation to potential conflicts of interest which the panel should be aware of when they are interviewing a particular candidate?

MARIANNE BROADBENT: We do. We also knew that that would also be followed up later on. We do not and did not ask questions about political conflict of interest.

The Hon. DAMIEN TUDEHOPE: Why don't you do that? This is working for the Government.

MARIANNE BROADBENT: We were assessing their leadership capabilities and their suitability for the role.

The Hon. DAMIEN TUDEHOPE: But wouldn't it be something that should, in fact, be at least drawn to the attention of the assessment panel as a potential issue, if it arose?

MARIANNE BROADBENT: It's very clear from Mr Murray's CV—and he made no attempt to hide it—that he had been a chief of staff for a Labor government. In our view, that was obvious to the evaluation panel and the assessment panel.

The Hon. DAMIEN TUDEHOPE: But it wasn't very clear to you that he had made donations to a political party, was it?

MARIANNE BROADBENT: We would not ask that, at that stage. We'd ask it—

The Hon. DAMIEN TUDEHOPE: Why not?

MARIANNE BROADBENT: I mean, I can express a personal view here. I don't think someone should be ruled out because they have political or have had political affiliations or that they have been a chief of staff.

The Hon. DAMIEN TUDEHOPE: I am not suggesting that they should be ruled out, but it is a relevant question to ask so that everything the assessment panel may have to consider is on the table.

MARIANNE BROADBENT: We'd certainly think about that in the future, if we think that's important.

The Hon. NATALIE WARD: Did you play a role, Dr Broadbent, in choosing members of the assessment panel?

MARIANNE BROADBENT: No, no role at all.

The Hon. NATALIE WARD: Do you have an understanding of how Verity Firth came to be on the assessment panel?

MARIANNE BROADBENT: I can't answer that. I was advised who was on the assessment panel and who was on the selection panel.

The Hon. NATALIE WARD: Is it ordinary to have a so-called independent member on these assessment panels, in your experience, including prior appointments in departments, for example, the Department of Planning?

MARIANNE BROADBENT: Sorry?

The Hon. NATALIE WARD: Is it usual, in your experience, to have so-called independent members appointed to these assessment panels?

MARIANNE BROADBENT: Yes. Certainly, Ken Mathers was considered that, and I would say about Verity Firth that she has had a significant executive career since being a member of Parliament, and I think probably brought particular insights into the role as well.

The Hon. NATALIE WARD: In addition to being a former Labor Minister, though, which is clearly a factor and is not unknown.

MARIANNE BROADBENT: Yes—again, that was clear and no issues there. I actually got to know her through her role at UTS as well.

The Hon. NATALIE WARD: The Premier has stated—I think it's been stated publicly—the amount of money that you were paid for this role. No doubt you worked hard for that in the recruitment and selection process. The Premier has said that, in hindsight, that was an unnecessary expense. Do you have any comment to make about that?

MARIANNE BROADBENT: The fee was not 125K; it was 100K, just for clarity. The 25 was probably what the department spent on advertising. It's always the case that if—

The Hon. NATALIE WARD: Was it a waste?

MARIANNE BROADBENT: I couldn't say whether that was. I think there was a robust process followed and there was an outcome from that, and there were three candidates considered suitable. And we canvassed multiple international potential candidates as well, which we were asked to do.

The CHAIR: Dr Broadbent, can we go back a little bit to looking at this progress report No. 2, which lists Josh Murray under that C1 group. That was the one that then got sent, as we now understand, to Mr Gartrell. He then responded to that, asking that Josh Murray be considered for interview. Is it normal for a report at that point, when we are considering who is being put forward to go to the interview stage, for there to be people who are still under review?

MARIANNE BROADBENT: It was early in the process. It wasn't late in the process. It was early in the process—my recollection is not too long after applications closed—and we had not yet met with Mr Murray either. I don't know about Mr Gartrell receiving it. We had nothing to do with that at all. So that's all I can say about that.

The CHAIR: Did Mr Murray put in his application later than other people? I'm trying to understand why he was—

MARIANNE BROADBENT: No, not necessarily. I mean, the search process takes a while, it's important to understand that, as well as the candidates whom we approached—we approached literally dozens of sources as well and, especially with an international search, it usually takes a little bit of time for people to come back there.

The CHAIR: Under group C1, the heading for that is "Advert applicants with some relevance or under review"?

MARIANNE BROADBENT: Yes.

The CHAIR: Was he under review or did he have some relevance?

MARIANNE BROADBENT: Both—under review at that stage. We hadn't made any final decisions.

The Hon. DAMIEN TUDEHOPE: Was that at 7 June?

The CHAIR: The second progress report?

MARIANNE BROADBENT: No, I think it was earlier than that.

The CHAIR: No, it's May, I believe.

MARIANNE BROADBENT: Yes, it was May.

The CHAIR: Yes, 29 May.

MARIANNE BROADBENT: The seventh of June was the shortlist recommendations report, as opposed to the final shortlist report.

The CHAIR: So in that 29 May report, he had been reviewed sufficiently for it to say—oh, I see—"has some relevance". That's why you're saying he sort of fell within there. So he had some relevance but experience largely in corporate affairs as chief of staff. The comment "has not had level of operational complexity required for this role"—was that then just on the face of the CV?

MARIANNE BROADBENT: That was on the face of the CV before meeting with him, and his background was much richer than that first comment would have indicated.

The CHAIR: After doing the full review, was there then another report where he's then been moved up to being in category—

MARIANNE BROADBENT: Yes. It's important to understand the client progress report and the shortlist recommendations are two entirely different reports in the sense that the categories A, B, and C are not the same. So that's probably important to understand.

The CHAIR: Was the second progress report on 29 May the final progress report and then we'd move to—

MARIANNE BROADBENT: Then there was a shortlist recommendations report that we provided, which was discussed by the assessment panel, who then decided on the four shortlisted candidates, and from that we prepared the final shortlist report.

The CHAIR: So between that 29 May report and the shortlist—sorry, what was that called?

MARIANNE BROADBENT: The shortlist recommendations report.

The CHAIR: Did that note change around the level of operational complexity required, or was it still seen that he didn't have the sufficient level of operational complexity required but there were other mitigating factors?

MARIANNE BROADBENT: His level of direct operational accountability, in our view, was less than some of the other candidates and there were other features, other attributes that he had, where he was very strong.

The CHAIR: And in that period between this second progress report and that shortlist recommendations report, had NGS been made aware that there was interest in Mr Murray as a candidate?

MARIANNE BROADBENT: I think that was mentioned. I couldn't find the email with the exact date on it. I've changed my system, thanks to Outlook, but let's not go there. That message, I believe, came from Di Leeson, but it was simply that there is interest. We don't know where that interest came from but we were at the stage of looking at those who were under review and then deciding those who we would further interview, which is what we did.

The CHAIR: Is it fair to say that that message from Di Leeson then influenced the decision to put Josh Murray on the shortlist?

MARIANNE BROADBENT: He would have been on the shortlist anyway, so in that sense our decision was to do a full screen interview for Josh Murray, having spoken to him on the phone, which I did. It was a phone interview and then decided that, yes, it would be appropriate to do a full screening interview with him, which is a longer process and either face to face or on something like Teams, which is what we did.

The CHAIR: In your experience, have you ever had a situation where a client has suggested that somebody be added to a shortlist recommendations list and that has not then been complied with or you've pushed back against it? Are there examples where you would say no to that?

MARIANNE BROADBENT: Well, there's a difference between adding someone to a shortlist that's already decided. The shortlist was not decided until the assessment panel reviewed all of the material, and he was already on the shortlist recommendations report at that stage.

The CHAIR: So he was already on the shortlist recommendations report at what stage?

MARIANNE BROADBENT: At the shortlist recommendation report that we provided, I think on 7 June, to the assessment panel.

The CHAIR: Okay. But prior to that was when you had been informed that the client wanted him or had interest in him being on that shortlist.

MARIANNE BROADBENT: They were keen—the message we got was that there was interest in him being interviewed.

The CHAIR: So, again, the question then is in your experience has there ever been a situation in which a client expresses an interest in someone being interviewed and then—

MARIANNE BROADBENT: Being interviewed by us?

The CHAIR: Yes, and then NGS says, "No, I'm not going to do that."

MARIANNE BROADBENT: We would always interview them because we think that it is the client's prerogative, absolutely, and our advice then is to meet with them and provide our assessment of them, which is what we did—which we were intending to do, and did.

The CHAIR: How many government appointments would you get of this nature? How many contracts would you get per year with the New South Wales government?

MARIANNE BROADBENT: Probably three or four; sometimes more. It depends, and it depends on the level as well. We have done quite a number of roles with New South Wales government at different levels, including departmental secretaries prior.

The CHAIR: We're looking at around \$400,000 a year on average of work?

MARIANNE BROADBENT: It would probably be less than that. We report on that every six months. That's on the public record. Every organisation that is on the panel that undertakes search for New South Wales government is publicly reported and we do those reports every six months. We're sent a form to fill in, and we do. So that will be available readily.

The CHAIR: Given the extent of the work that you do for the New South Wales government, though, you would be, like you would for any big client or any client at all, trying to make sure that the recommendations and the work that you produce are in line with what's expected by the client, correct?

MARIANNE BROADBENT: We feel that our job is always to do an assessment of such that our role is to provide—to help clients manage risk in their appointments. So we will always be fairly frank about that and perhaps that's partly why we're here, I guess, because we were. But we do not hesitate to provide our informed and objective perspective. That's something that clients value and that's usually why they ask us to take on these challenging and difficult roles, including roles that are in the public domain.

The CHAIR: I'm not talking about the New South Wales government here but any client. Have you had experience of clients using NGS Global to sort of tick a box for an appointment that they knew who they were going to appoint anyway?

MARIANNE BROADBENT: No, I don't believe we've had that experience.

The CHAIR: Did you feel at any point in this process that there was a pre-determined outcome?

MARIANNE BROADBENT: I did not. The whole process could've been done differently if that was to be the case.

The Hon. Dr SARAH Kaine: You've covered quite a bit of terrain, so we'll jump back and forth a bit for some of these issues. It would be common practice for you to seek input or feedback from your clients and, indeed, didn't you do so on 13 May? You asked Kathrina Lo and Dianne Leeson for—it would be helpful if they could share any potential candidates that you would want to pursue or not. So it'd be quite common practice, wouldn't it?

MARIANNE BROADBENT: Yes, absolutely. We always in the early stages share—that's part of the reason why we share our early thoughts, which sometimes get us into trouble. But we share that openly with the client. It's good for the client to also know where we're at. It's an important part of assurance on their part. We will always ask the particular clients in which they're interested and also are there particular clients in which they might not be interested.

The Hon. Dr SARAH Kaine: Speaking of getting that pool, how do you go about the global search for candidates? Can we get a bit more detail on how you get to those lists?

MARIANNE BROADBENT: It is lots of hard work. We have very good connections in the sector, which is part of the reason, I believe, we were chosen. We research like organisations in different parts of the world. We were specifically asked to look at the UK and also Canada. We also looked in the end at New York because there were a number of people who had worked in the UK and who were familiar with the New South Wales system who were now working in New York. We have good investigatory powers, so we identify the individuals we would like to approach. We seek their contact details. We approach them. As I said, I spoke to all of those candidates.

At the same time, we approach many potential sources—people who might make recommendations, both in and out of government—to add to that list. That's what we did in this process. Then it's a fairly laborious process of pursuing people, hassling them, getting on their radar and presenting the opportunity to them. In some cases, they might say, "No, the timing is wrong." In this case, the international candidates—many of them—said the timing wasn't right for them. The remuneration wasn't high enough for what they were on now, but many of them knew about New South Wales as a very large and complex system and they, in fact, made some recommendations.

For those people who are interested, we ask them for a CV. We don't always ask them for a cover letter initially because they might want to consider it further. We will then phone-interview them, if we haven't done that already. We will then do a video call with them. Then if they are interested and we are interested and we don't have a cover letter, we will ask them to provide that. That's part of the standard process.

The Hon. Dr SARAH Kaine: Dr Broadbent, there seemed to have been, throughout the process—let's call them glitches. It seemed that at one stage you might have been speaking to Mr Murray and presuming he was applying for another job. It appears that he might have been referred to by a different name, which might have confidentiality implications. You've just spoken about a cover letter being separated from his application. That has somewhat muddied the waters a little bit in terms of the clarity of this process and the dealings with Mr Murray, hasn't it?

MARIANNE BROADBENT: I wouldn't think so, in the sense it was a momentary situation. As I said in my cover statement, in our office there was an initial mix-up in that I rang Mr Murray thinking he was interested in a different role. That quickly became very clear that that was not the case. I apologised to him and then we took it from there. That whole process would have been no more than a couple of minutes.

The Hon. Dr SARAH KAINE: Okay. We heard that there was a change in status in terms of risk assessment of Mr Murray by NGS throughout the process. Would you agree that all applicants are going to have some element of risk associated with them? Would that be a fair thing?

MARIANNE BROADBENT: Yes, candidates usually have some element of risk and a stretch as well, and that's usually commented on in our reports. The statement regarding risk was minimised after the assessment panel review because clearly there was further knowledge of Mr Murray there and—

The Hon. MARK BUTTIGIEG: Can I just explore that a bit because I think it is an important point?

MARIANNE BROADBENT: Yes.

The Hon. MARK BUTTIGIEG: So the risk element was attenuated after you actually interviewed and spoke to Mr Murray, correct?

MARIANNE BROADBENT: We'd indicated it initially, I think.

The Hon. DAMIEN TUDEHOPE: After interview.

MARIANNE BROADBENT: And then it was referred to more obliquely in the client progress report in relation to operational experience and then we referred to it as a significant risk because it was a more complex role than we assessed that he had undertaken before. That was also commented later on.

The Hon. MARK BUTTIGIEG: This is on the basis of not having experience in direct operational—I think that the numbers were a key thing there. You were talking about, what was it, 25,000 employees vis-a-vis—

MARIANNE BROADBENT: 27,000 in transport.

The Hon. MARK BUTTIGIEG: And then the previous experience was 250. But then, for whatever reason subsequent to that, you've come up with a decision, or a decision has been made that, "Well, hang on. Now that we have spoken to him"—and you mentioned this about the ability to influence and communicate with people. That decision was then turned around subject to actually seeing what this person had to offer, correct?

MARIANNE BROADBENT: We certainly had further information. We still included in the recommendations that we thought there was a significant risk, but that does not mean that someone cannot do the job or should not be awarded the job. Our job is to point out where we see there could be potential risk.

The Hon. MARK BUTTIGIEG: A degree of that would presumably involve due diligence insurance to cover yourself. It's a superficial defect but it could be a problem down the track, but if it's ironed out during the process, there's no issue. That's basically what I am getting out of this. In terms of the other attributes, you've got a situation where I think the Department of Transport is worth 70 per cent of the capital spend of the State budget. The fact that Mr Murray had come from a major infrastructure arm, which services the State Government, presumably was a big tick in terms of the qualifications?

MARIANNE BROADBENT: That's a positive, yes.

The Hon. Dr SARAH KAINE: Dr Broadbent, it seemed to appear from your earlier statement and answers that your understanding of the brief shifted somewhat. Towards the latter stages, "strong understanding of government"—you took that as the brief. Was there a change in your understanding of what the brief was?

MARIANNE BROADBENT: I think in the assessment panel discussions, that became more significant in terms of someone who had understood government from the inside, if I can put it that way, and that clearly Mr Murray was highly respected in that chief of staff role and, I understand, by both sides of Parliament.

The Hon. Dr SARAH KAINE: There are just a couple of things that I wanted to confirm because they have been at the heart of some of the contentions. Was NGS Global ever directly in contact with the Minister's office?

MARIANNE BROADBENT: Never. No. All of our contact was through Dianne Leeson and Kathrina Lo and Peter Duncan.

The Hon. Dr SARAH KAINE: You've explained a bit the process, but I wonder if you could explain a bit how the assessment of Mr Murray, your initial assessment—and I know it did change—varied so greatly from the sort of experienced public servants and independent panels in both the assessment and the evaluation stage. Why was there such a gap?

MARIANNE BROADBENT: I don't think there is a gap between our report and the final panel report. Many of the things that we commented on in our longer report that the evaluation panel received were also commented on in the evaluation panel report. There is not a significant discrepancy between those two.

The Hon. Dr SARAH KAINE: Are you saying that that downgrading of risk assessment was just part of the process and everything else was quite consistent?

MARIANNE BROADBENT: After the assessment panel, you will always look at your reports, which we did, and we just took it from "significant risk" to "risk". That's what's in the material that the evaluation panel received. There are individual reports with scoring against capabilities for each candidate, and that's—yes.

The Hon. Dr SARAH KAINE: I wanted to ask you in general, with your vast experience as a recruiter—and I understand perhaps author on the subject as well. I wonder if you could comment on, in terms of recruiting particularly at this level, are you necessarily looking for candidates who have the exact experience for the roles that you are recruiting for? What is it that you are looking for at that level?

MARIANNE BROADBENT: You are looking for someone who can effectively lead an executive team, someone who understands the portfolio. You are looking for someone, in this case, who can inspire others—that was very much part of the brief, "who can inspire"—who has a strong strategic capability and, in this case too, an understanding of the operations and preferably some operational experience. But this was very much seen as a leadership role, rather than a technical specialist role. That was the briefing that we had.

The Hon. Dr SARAH KAINE: With regard to the assessment panel, there has been some suggestion, I think by implication, in some of the questions about the appointment of Verity Firth. From your interactions with her and your understanding of her full career, including her very relevant time as a Minister, how did that position her in terms of her qualifications on the assessment panel?

MARIANNE BROADBENT: I don't comment on the qualifications of people on panels. I have already made some other comments about Verity Firth, who I would say at a personal level I got to know after that process. I knew her slightly before because we had done a role which, in the end, reported to her, though we didn't have contact through that process.

The Hon. MARK BUTTIGIEG: You mentioned that, as part of that global pool that you were availed of, a lot of them dropped out based on lack of remuneration. They were getting much better remunerated—and a lot of these people were from the transport sector, I think was the evidence. Mr Murray, as I understand it, falls into that category. He is one of the ones who was much better remunerated but decided to take the role. Would that have been a rarity? Were there other people who were willing to take the role who were on much better remuneration or was Mr Murray one of the only ones who was prepared to take that pay cut?

MARIANNE BROADBENT: There were a number like that. However, I stress that for quite a few of the internationals it was a matter of timing because they were undertaking major programs of work or, in a couple of cases, it had only been six months or a year since they had started their new role. We do have the privilege of working with senior people who have either come in from the commercial sector, which is a specialty that we are known for—ensuring good cultural fit or best fit, as Peter Duncan said, and advocating the psychic reward and the contribution that they can make. As I commented in my opening statement, Mr Murray was clearly very well motivated. I did not ask him his salary, but my assumption was that it was considerably more than the secretary role. Regardless of that, he clearly was keen and was articulate about his motivation.

The Hon. MARK BUTTIGIEG: That would presumably not be the be all and end all, but it's a pretty key indicator. If someone is getting remunerated on, I don't know, \$1 million-plus and they are prepared to come down to \$550,000 or \$600,000, or whatever it is, you would think the motivation and the capacity would be there; otherwise they wouldn't survive in that private sector role, right?

The Hon. NATALIE WARD: Point of order: I'm not sure this witness can speak to the state of mind of the candidate about change in salary.

The Hon. Dr SARAH KAINE: You've been asking about salaries all day.

The Hon. MARK BUTTIGIEG: It wasn't a question about the candidate's—

The CHAIR: Order! I am sure that the witness is capable of saying whether or not she can.

MARIANNE BROADBENT: I am comfortable in responding to that, because it was clear that Mr Murray would be coming down in salary and it was also clear to us that he had a strong sense of service and, as one of his referees commented, he had some unfinished business. He was keen to make a different kind of contribution. As a search consultant, that is actually what you are keen to hear from people from the commercial sector, as long as they have got an understanding of the culture which they will come into. Some people want to come in and fix everything, and that's usually not the right motivation.

The Hon. NATALIE WARD: He had spare change to make donations.

The Hon. MARK BUTTIGIEG: This situation where the others drop out, either because the remuneration is not great enough or they are tied up with existing projects, and then the advent of Murray, with extensive experience in the infrastructure game directly related to the transport portfolio plus the fact that he was prepared to take a pay cut, helped in the distilling process because there wouldn't have been many people in that situation. Would that be—

MARIANNE BROADBENT: There were others who would similarly have done that, including one of the international candidates. But, certainly, that does show motivation. As I said, he was articulate about the reasons that he was keen to do it. I have met many people working in Ministers' offices and I have met many people who have very good motivation. I don't necessarily believe the standard view of this. I think that, as I've said before, a period in a Minister's office should not disqualify you for a significant role, as long as you have other developments.

The Hon. MARK LATHAM: Was there anything in Mr Murray's educational qualifications that had anything to do with transport?

MARIANNE BROADBENT: I don't recall. I'd have to look and check, but that is not unusual in a senior appointment. People often gain experience in a domain on the job. I think his undergraduate qualifications were in communications.

The Hon. MARK LATHAM: He had an arts degree with broadcasting, which I think was his main role at Laing O'Rourke. Did you ever see any evidence that he was closely involved in the design, construction, operation or delivery and performance of major infrastructure projects? Just because you work for a big company doesn't mean you are out there at the coalface. If you're doing corporate affairs, normally that means media, lobbying and communications, and you might have absolutely nothing to do with those major projects. He cited the hospital in the UK, the Palm in Dubai and so forth. Did you ever see any evidence, especially given there was no referee from that company?

MARIANNE BROADBENT: No. My perspective would be that he had a good understanding of the processes related to infrastructure.

The Hon. MARK LATHAM: I didn't ask about his understanding—his involvement.

MARIANNE BROADBENT: And involvement.

The Hon. MARK LATHAM: What was his involvement?

MARIANNE BROADBENT: I don't know fully. I can't explain all of it, but certainly he was able to explain to us some of the work that he'd been involved in, particularly with changing processes in areas and being involved in decisions around—

The Hon. MARK LATHAM: What sort of processes in which areas?

MARIANNE BROADBENT: I'd have to go back to our report to remember all of those, but they were to do with how they undertook supply chain, I think, and how they undertook other areas.

The Hon. MARK LATHAM: Your company is not going to get any more work off this Government, is it?

MARIANNE BROADBENT: I have no idea. I hope we do. We have done some very good work for this Government and it is a privilege to do it but, as one of my other clients commented, sometimes you need danger money as well.

The Hon. MARK LATHAM: As a 20-year friend of the Premier and close ally of the transport Minister, I think your work has been sub-standard, so good luck.

The Hon. NATALIE WARD: So the first report was there and then there was a change made between that and the second report about the operational experience. Is that your evidence today?

MARIANNE BROADBENT: It depends which report you're talking about. We presented about five reports in all over a period of time.

The Hon. NATALIE WARD: I would find them, but I don't have much time. Why don't we just say between an earlier and a later report?

MARIANNE BROADBENT: Yes. It was to do with what went to the evaluation.

The Hon. NATALIE WARD: Yes. Between those two, there was a change made in the assessment of operational experience. Is that correct?

MARIANNE BROADBENT: There was no overt change there. It was just the words "significant risk" became "risk", basically.

The Hon. NATALIE WARD: And that was based on your further discussions with the candidate. Is that right?

MARIANNE BROADBENT: That was based on further understanding of the candidate's background.

The Hon. NATALIE WARD: Yes. And what references were checked during that time?

MARIANNE BROADBENT: You don't check references until after the evaluation panel has interviewed the candidates, because it tends to put their—it damages the confidentiality of the process if they have to provide referees. Referees were sought at the request of the evaluation panel after the evaluation panel interview.

The Hon. NATALIE WARD: So that change in the report wasn't based on any fact-finding from the referees themselves. It was based on the candidate saying they had better experience than had been appreciated by you.

MARIANNE BROADBENT: No, it was based on the discussion with the assessment panel.

The Hon. NATALIE WARD: Yes. But not from the referees or otherwise verified?

MARIANNE BROADBENT: No, the referees are attached separately. The referees are done after that process.

The Hon. NATALIE WARD: So not between those two reports?

MARIANNE BROADBENT: No.

The Hon. DAMIEN TUDEHOPE: To that point, one of the things in your report of 7 June, which is the one that went to the assessment panel, which was then altered by the assessment panel—it did appear that you had properly considered his background as a chief of staff.

MARIANNE BROADBENT: Yes, we did.

The Hon. DAMIEN TUDEHOPE: So what did change after—

MARIANNE BROADBENT: It is more the discussion of that at the assessment panel. That didn't change in our—at that stage. It was more the discussion of the quality of his work there also.

The Hon. DAMIEN TUDEHOPE: So you were aware, as of 7 June, that in his chief of staff roles in the political domain he had to assimilate—this is what he's told you—many issues, and in the transport portfolio this included a key role of setting up the State plan in the landing of the Sydney Metro scheme. On the face of it, that is just plain wrong. This is a 2008 assertion, when he was in a chief of staff role, and you never checked that.

The Hon. MARK LATHAM: Bob the Builder did more building than they did.

MARIANNE BROADBENT: He helped land it; that's my understanding.

The Hon. DAMIEN TUDEHOPE: He helped land it?

The Hon. MARK LATHAM: Land it where? Which bit of turf?

The CHAIR: Order!

The Hon. DAMIEN TUDEHOPE: This was a project delivered in 2017, I think. He has claimed that he landed it.

The Hon. Dr SARAH KAINE: Chair, are we going to keep going past the time? Because we'll go. We'll have a go as well, shall we?

The Hon. PETER PRIMROSE: Are we freewheeling now? Editorialising?

The CHAIR: Order!

The Hon. NATALIE WARD: Absolute rubbish.

The Hon. MARK LATHAM: And he landed on the moon.

The Hon. NATALIE WARD: Yes, in his mind.

The CHAIR: Order! Deary me. Thank you so much for attending and answering our questions. To the extent that there were questions taken on notice or there will be supplementary questions, you will have 21 days to respond. But that does conclude our time with you today.

(The witness withdrew.)

(Short adjournment)

The Hon. Professor VERITY FIRTH, AM, Member of the Assessment Panel, and Pro-Vice-Chancellor (Social Justice and Inclusion), University of Technology Sydney, affirmed and examined

The CHAIR: Welcome back. Apologies for the slight delay while we sorted out technology issues. If you would like, you have the opportunity to make a short opening statement.

VERITY FIRTH: Thank you for inviting me to give evidence today. I apologise that it has to be online. I've had a busy set of meetings today, so this was the way it could work for me. I appreciate the flexibility of the Committee. On 15 June 2023 I attended the shortlisting assessment panel for the secretary of transport role. I believe I was appointed to the panel due to my 20 years' experience in public sector, university and not-for-profit leadership in Australia. As Minister for education from 2008 to 2011, I led an agency dedicated to frontline service delivery in complex and contested political and fiscal environments. At the time the agency had 100,000 full-time equivalent staff and an annual budget of \$14.6 billion.

Since my four years in politics, I have spent a further 12 years in senior executive roles in the not-for-profit and university sectors. I am currently the Pro-Vice-Chancellor (Social Justice and Inclusion) at the University of Technology Sydney and an industry professor for education and public benefit. I have experience recruiting for CEO and senior executive positions across both the public and private sectors through my executive role at UTS, and also through board positions that I hold.

On 13 June 2023 my executive assistant received an email from Dianne Leeson attaching the NGS Global confidential shortlist recommendations report dated 7 June 2023. Also attached to the email were the cover letters and CVs of the candidates for the role. As I believe you've already heard today in evidence, the assessment panel consisted of senior public servants from New South Wales and Victorian jurisdictions—or ex-public servants—and myself. I found the process adopted by the shortlisting assessment panel to be robust and transparent. The panel examined nine candidates listed in the A and B groupings provided by the NGS Global shortlist recommendations report, reviewing the cover letters and CVs of each candidate and discussing their strengths and weaknesses in an open and collegiate manner.

The candidates were assessed against the position description for the role and the capabilities attached to that position description, as defined in the NSW Public Sector Capability Framework. At the end of the process, we recommended a shortlist of four candidates for interview, two of whom had been recommended by the recruiter for shortlist consideration and two that had not. The decision of the panel was by consensus. I believe the assessment panel process was independent and merit based. The assessment panel was diverse, with different people bringing different perspectives. The discussion was open and collegiate, and all up I found it to be a positive experience.

The Hon. DAMIEN TUDEHOPE: Thank you for making yourself available. Professor, you were invited to be on the assessment panel as a result of a phone call you received from Minister Haylen. Was that not the case?

VERITY FIRTH: Yes. That's correct.

The Hon. DAMIEN TUDEHOPE: She approached you directly and asked you to be involved with the assessment of her new transport secretary?

VERITY FIRTH: Yes, the assessment for the shortlisting process. My understanding, as she described it to me, was that she'd been asked to nominate an independent member for the panel by the department. She originally nominated Carmel Tebbutt, but Carmel Tebbutt was unable to do it. So she rang me, basically, to see whether I was interested and available.

The Hon. DAMIEN TUDEHOPE: So in terms of an independent, you were the independent person for the purposes of this panel?

VERITY FIRTH: Correct.

The Hon. DAMIEN TUDEHOPE: Did the Minister suggest there might have been other independent panel members, other than a former inner west politician?

VERITY FIRTH: The Minister, as she put it to me, wanted someone on the panel who had experience in government. The qualities that Carmel Tebbutt had were similar to the qualities that I had, in that we had experience in big, frontline service delivery agencies and we'd had to manage big portfolios with complex constituencies, tight fiscal environments and all the pressures that that brings to the role. I had an understanding of the political dimensions of the role, but also, I think most importantly, in the 12 years since I've been a politician I've also had experience being a senior executive and recruiting for senior executive roles. In some ways I felt

that, although my ministerial experience was definitely relevant, I also think that my professional experience in the years since was deeply relevant as well. I have been part of recruitment panels for senior executive positions across both the private and public sector, so I was happy to offer my assistance. I thought that my skills would be useful.

The Hon. DAMIEN TUDEHOPE: So you would have had before you the assessment report from the recruiters dated 7 June 2023 in relation to Mr Murray?

VERITY FIRTH: Correct.

The Hon. DAMIEN TUDEHOPE: In that report the recruiters list one of his roles as chief of staff in the political domain, and he had to assimilate issues in the Transport portfolio, did he not?

VERITY FIRTH: Yes.

The Hon. DAMIEN TUDEHOPE: Because, in fact, he was a previous chief of staff for the transport Minister John Watkins, and in fact became the chief of staff for Premier Morris Iemma.

VERITY FIRTH: Correct.

The Hon. DAMIEN TUDEHOPE: When you read that document, one of the things that was claimed—and I assume this was claimed by Mr Murray in his interview with the recruiters—was that he had landed the Sydney Metro. Did you query that assertion?

VERITY FIRTH: That assertion wasn't part of our discussions in the shortlisting panel. What we were most interested in was his chief of staff experience, how that would translate into a role such as the secretary role, but also, again, what had happened since 2008 in terms of his professional experience. So strategic leadership, stakeholder engagement, leading big teams of people. Remember, this was a shortlisting process; we weren't needing to determine whether or not Mr Murray would be the successful candidate. We didn't interview Mr Murray. We were simply seeing whether he passed the threshold for eligibility for shortlisting, which, by consensus, the committee believed he did.

The Hon. DAMIEN TUDEHOPE: Wouldn't it have been important to you that he was telling the truth?

VERITY FIRTH: It didn't cross my mind that he wasn't and I still don't know whether that was the case. What I did know was that he had been a chief of staff. Based on his CV, he'd been chief of staff for the transport Minister and he'd been chief of staff to the Premier. Anyone who has been in those particular senior roles of government needs to have a really holistic view of the complexity of service delivery.

The Hon. DAMIEN TUDEHOPE: I agree with that.

VERITY FIRTH: So that was what made him an interesting candidate.

The Hon. DAMIEN TUDEHOPE: Having been a chief of staff, I agree with all of that assessment of the role of chief of staff. However, if I was to apply for a job and make an assertion that I landed something that I didn't go within a bull's roar of landing, wouldn't you say there is a credibility issue here?

VERITY FIRTH: I didn't see it that way, no.

The Hon. DAMIEN TUDEHOPE: You didn't see it that way?

VERITY FIRTH: No, I didn't question what was provided to us by the recruiter, and the CV and cover letter of Mr Murray. We just took it on its merits and had a proper discussion about whether or not we thought he was eligible for interview.

The Hon. NATALIE WARD: But from your experience, Professor Firth, you were aware that he did not in fact land Sydney Metro. That's a stretch.

VERITY FIRTH: When I read that piece, I assumed he just meant the start of the metro project, which is true—that happened during those years.

The Hon. NATALIE WARD: And you would say starting it, not landing it. Completing and delivering it is slightly different.

VERITY FIRTH: Maybe it was different language but, honestly, it was like, "Yes, he was involved in those first days of when the Sydney Metro was announced and began its journey."

The Hon. NATALIE WARD: Nonetheless, having been the chief of staff to a transport Minister decades ago, would you not think it's more relevant to have more recent experience for somebody in this role? The transport sector has changed significantly in the intervening time, where things have been delivered and there is a lot more

to deliver. Would you not have thought that an appropriate skill is some more recent experience in that space, if you're hanging some gravity on that aspect?

VERITY FIRTH: Yes. All of what is being discussed here today was discussed in the shortlisting panel as well. Why I think the process was rigorous is we went through each individual candidate one at a time, talked about their CV, talked about their cover letter and talked about them as a candidate. When we were assessing Josh Murray's suitability for interview, we said, "Yes, chief of staff, interesting experience and relevant to this role," but we also looked at his Laing O'Rourke experience. We were also interested in the role he played in terms of strategic leadership and change management at Laing O'Rourke. Even the people piece was interesting in terms of his experience at Laing O'Rourke. Again, like any big public sector agency delivering these huge projects, you need to have good people experience.

The Hon. NATALIE WARD: I hear that, but you have highlighted his chief of staff experience. There were other people that had much more recent experience in the present transport space, specifically the other candidates. I'm just wondering how you came to reconcile that given that, equally, with those candidates, in respect to them, he was rated as somewhat of a risk by not having had the operational experience that they had. How did you reconcile that?

VERITY FIRTH: Like any shortlisting, there's always candidates with strengths in some areas and less strengths in areas. Areas where Josh Murray was stronger, other candidates were not as strong—for example, in overarching strategic leadership. However, we balanced that out. We're creating a shortlist. What we actually want to do is give a number of opportunities or options to the interviewing committee, with different strengths, for them to be able to do a deeper dive into the capabilities of each candidate through the interview process. Josh Murray didn't have to—for shortlisting, the candidates don't have to tick every single box as 100 per cent brilliant at every single thing, because no-one could do that. We just wanted to make sure that we believed he was eligible for an interview, and I think he was. I don't think there's any doubt there.

The Hon. DAMIEN TUDEHOPE: Professor, let me ask you this: How long have you known Josh Murray? You knew him when he was a chief of staff in a previous government, did you not?

VERITY FIRTH: Yes, I did know him, but I don't consider that I know him well. I wouldn't call him a friend.

The Hon. DAMIEN TUDEHOPE: Did you know the Minister, Jo Haylen?

VERITY FIRTH: Yes, I do know Jo Haylen.

The Hon. DAMIEN TUDEHOPE: And you've known her for some time?

VERITY FIRTH: Yes.

The Hon. DAMIEN TUDEHOPE: You're an independent person on this panel, and you know at least one of the people who are being interviewed. Does that truly make you independent? Did you declare in relation to the assessment panel your previous relationship both with the Minister and with one of the candidates?

VERITY FIRTH: At these very high-level recruitments, which I'm sure you're aware of because I'm sure you've been a part of them as well, it's rare that the recruitment panel doesn't know most, if not all, of the candidates. What I liked about the panel was that we were all very open about who we knew, who we had professional relationships with and who we worked with. That's normal. But none of it was considered a big enough conflict to actually be able to prevent us making an open and objective judgement of who should proceed to an interview.

The Hon. DAMIEN TUDEHOPE: He was a work colleague of yours, was he not?

VERITY FIRTH: To be honest—and I'm being totally honest—I really don't know him very well. He was the chief of staff for Morris Iemma from 2007 to 2008. I was a junior Minister in the government at the time. It is likely that we had conversations; I'm not going to say that we didn't. I can't remember. It's probable that we did, but we weren't close colleagues. We didn't work closely together, and he was no longer in the government from 2008 which was, of course, the time when I became education Minister. I actually don't know him very well professionally; I just know him.

The Hon. DAMIEN TUDEHOPE: But you know Jo Haylen well?

VERITY FIRTH: I do know Jo Haylen well, yes.

The Hon. NATALIE WARD: And John Graham?

VERITY FIRTH: Yes, I do know John Graham.

The Hon. NATALIE WARD: What is your relationship with John Graham?

VERITY FIRTH: Again, just long-term friend and colleague.

The Hon. NATALIE WARD: Longer than that—he was a staffer, wasn't he?

VERITY FIRTH: Oh, yes.

The Hon. NATALIE WARD: Did you forget that?

VERITY FIRTH: Yes, he was.

The Hon. NATALIE WARD: He was your staffer.

VERITY FIRTH: Yes, he was my chief of staff in my early days.

The Hon. NATALIE WARD: Your chief of staff. Yes. So the web of intertangled relationships is quite extensive in this process, is it not?

The Hon. MARK BUTTIGIEG: Wow, super sleuthing, this stuff.

The Hon. NATALIE WARD: Have you spoken with John Graham about this appointment?

VERITY FIRTH: No, I have not.

The Hon. NATALIE WARD: In speaking in this role, did you consider that the conflicts could in any way, to the reasonable person, present a proposition that perhaps this wasn't independent? Just stepping back from it, there are a lot of Labor relationships. I'm not doubting your experience and I'm not doubting your credibility, but there certainly is the appearance to the reasonable person that there are a lot of people who know each other who were stitching this up for him. Can you understand how that could be the perception, which perhaps is why there's some interest in this appointment?

VERITY FIRTH: The advice that I received was that the department had requested that the Minister nominate an independent panellist. So that was her nomination, which was never, as far as I know, to the best of my knowledge, questioned by the department.

The Hon. NATALIE WARD: Do you not think Rob Stokes might have been a better independent person, having headed transport and been recently there, and that would have been, perhaps, the appearance of more independence than someone else?

VERITY FIRTH: I think the way that independence works on these panels is that it's around direct employment relationship, either through a government agency—it's really about not being directly employed by the New South Wales government service.

The Hon. NATALIE WARD: It doesn't really look above board, though, does it?

VERITY FIRTH: I don't think so. I think it looks perfectly fine. As I said, I thought it was a robust experience. It was open and transparent within the committee, and people were very honest about any relationships they had.

The Hon. DAMIEN TUDEHOPE: Did you ever attend a Legislative Council committee meeting?

The CHAIR: Order! We are going to Mr Latham for questions now.

The Hon. MARK LATHAM: Thank you, Chair, and thank you, Professor. When Jo Haylen spoke to you about coming on as a so-called independent member of the committee, did she discuss with you any of the candidates who had come forward?

VERITY FIRTH: No, she didn't.

The Hon. MARK LATHAM: When did you find out that Josh Murray had been a candidate for the position?

VERITY FIRTH: When I got the NGS Global report.

The Hon. MARK LATHAM: Did you have any discussions with Scott Gartrell about Mr Murray?

VERITY FIRTH: No, I did not.

The Hon. MARK LATHAM: Or anyone associated with Jo Haylen and her office?

VERITY FIRTH: No.

The Hon. MARK LATHAM: In terms of coming on as an independent, you said you know most if not all of the candidates. How many others did you know as well as you knew Mr Murray?

VERITY FIRTH: No, I'm sorry. That isn't what I said. I said I knew Josh Murray. I didn't know the other candidates.

The Hon. MARK LATHAM: I thought you said that on these panels normally, the people on there—

VERITY FIRTH: What I was saying was that I don't think there was a single candidate that someone in that room didn't know. We were all saying, "Yes, I've worked with this person. I've worked with that person."

The Hon. MARK LATHAM: That's the nuance. Knowing someone, having worked with them in the past, isn't that a reason to declare a conflict?

VERITY FIRTH: Yes. So when we were discussing Josh, I did. I said, "Just so people know, I know Josh Murray." And I remember I said at the time, "In fact, he's the only one I know, but I do know him." I said exactly what I just said to you. There was an overlapping time between 2007 and 2008, and I know him.

The Hon. MARK LATHAM: Having declared that interest, you still participated in the decision to take him forward as one of the four?

VERITY FIRTH: Yes, because I don't think it was a critical interest.

The Hon. MARK LATHAM: What do you mean by the term "independent"?

VERITY FIRTH: I mean that there is no relationship to the Government of a pecuniary nature, no interest in it for me.

The Hon. MARK LATHAM: What about political interest? Because a feature of this issue under inquiry is a fairly firm network of hard left Labor factional people in the inner city, from Albanese, the two Gartrells, Haylen, Tebbutt, yourself—everyone seems to be cut from the same political cloth. What about political independence?

VERITY FIRTH: I don't think that I have any political interest in who is the secretary of transport at all, especially now that I'm not in politics anymore.

The Hon. MARK LATHAM: But you were in the same Labor faction as Carmel Tebbutt and Jo Haylen?

VERITY FIRTH: Correct, but it's irrelevant to the shortlisting process.

The Hon. MARK LATHAM: Why is it irrelevant? Because it gives the impression of some incestuous, crony-esque type arrangement where people from a certain political clique are looking after each other.

VERITY FIRTH: Well, it is irrelevant. I don't know Josh hardly at all. I really was just looking at the candidates based on the assessment in front of me. I thought it was a good process.

The Hon. MARK LATHAM: But having been brought onto the panel by your factional ally and friend Jo Haylen, wouldn't a reasonable person expect, "Oh well, she would probably do what Jo Haylen would do in that position"? That's not independent, is it—arms-length from the Minister?

VERITY FIRTH: I think I've had enough experience—and remember, I've been out of politics a lot longer than I've been in politics. I have a professional reputation; I wouldn't do that. I'd actually want to have the best person in the job. I did it because I was interested in being a part of recruitment processes. I like them. I always find it interesting seeing what people have done in their lives and their careers, and I thought the process was a robust one.

The Hon. MARK LATHAM: But of all the people you could find that had some experience in government and transport, why do you think the Minister initially picked Carmel Tebbutt and then you?

VERITY FIRTH: I don't know. You'd need to talk to the Minister about that. What I do know—

The Hon. DAMIEN TUDEHOPE: She won't turn up.

The Hon. NATALIE WARD: She won't. We're trying to.

The Hon. MARK LATHAM: Well, we'd like to, but she's not here.

VERITY FIRTH: What I do know is that she told me she wanted someone with experience running a big service-delivery agency, right, and with some knowledge of that scale of operation, and then some additional knowledge post-politics of how these sorts of high-level recruitments work. I was happy to help.

The Hon. MARK LATHAM: But do you think there's a public perception problem here? It seems very hard to get a prominent position in infrastructure these days, from the likes of Michael Deegan to Jim Betts to Josh Murray, unless you're satisfactory to the political-factional clique that we're talking about in the inner city of the Labor Party.

VERITY FIRTH: All I know is that the process was robust. It was good. It was open, transparent and I was happy to participate in it.

The Hon. MARK LATHAM: Do you regret declaring interest about Josh Murray and then participating as if the interest didn't matter?

VERITY FIRTH: No, because it's not a—it was actually the same level of interest that other people had in other candidates when they said, "Oh yes, I worked with so-and-so for a couple of years in the public service." It was exactly the same level of knowledge of the person.

The Hon. MARK LATHAM: Given what I'm talking about in terms of perception—the leg-up, advantages, bias, manipulations that were favourable to Mr Murray on the entire process—it's overall a very bad look, isn't it, for the integrity of what happened? Do you regret being involved at all?

VERITY FIRTH: No, I don't. I don't.

The Hon. MARK LATHAM: Thanks, Chair.

The Hon. NATALIE WARD: Were you paid for your participation in the assessment?

VERITY FIRTH: No.

The CHAIR: Order!

The Hon. NATALIE WARD: No, it's a fair question.

The CHAIR: Well, it's just not your time for questions.

The Hon. NATALIE WARD: I'm sorry. I thought the member had finished.

The Hon. MARK LATHAM: Yes, I had. I said, "Thanks, Chair", which indicates I'd finished my line of questioning.

The Hon. NATALIE WARD: He didn't seem to object.

The CHAIR: So it's my time for questions. Professor, you mentioned when you received, on 13 June, the recommendations in relation to the candidates and the cover letters—those recommendations were from 7 June, I think you said—that they were categorised as A and B in that report. What were the two categories?

VERITY FIRTH: The candidates that were recommended for shortlist consideration, of which there were four—that was A1. There was group A2, which was "other candidates who could be considered", and there was group B, "other candidates interviewed by NGS not as strong". I'm quoting from their categorisation, obviously.

The CHAIR: How many were in A2?

VERITY FIRTH: That we ended up proceeding to interview?

The CHAIR: Sorry, no, you said there were four A1—

VERITY FIRTH: How many people in A2? Sorry, you've frozen.

The CHAIR: That's okay. Can you hear me?

VERITY FIRTH: I can hear you now, yes. Say it again, sorry?

The CHAIR: You said that there were four candidates in the A1 category.

VERITY FIRTH: Correct.

The CHAIR: How many were in the A2 category?

VERITY FIRTH: Two candidates in the A2 category and then three candidates in the B category.

The CHAIR: So you were considering nine all-up.

VERITY FIRTH: Correct.

The CHAIR: Then you said that when you came up with the four to recommend go to the next stage, to the evaluation committee, two had been recommended by NGS and two had not. What do you mean by that?

VERITY FIRTH: So without revealing—because I know we've had this conversation about not revealing anyone's identities, obviously. Two candidates from A1 proceeded to interview, one candidate from A2 proceeded to interview and one candidate from group B proceeded to interview.

The CHAIR: Can you tell us which category Josh Murray was in?

VERITY FIRTH: Group B.

The CHAIR: Can you tell me the title of group B again? So, "interviewed"—

VERITY FIRTH: "Other candidates interviewed by NGS — not as strong", according to their categorisation.

The CHAIR: When you're looking at applications, you've only got that information in front of you but presumably you've also got your own experience with particular candidates, what were you looking for in order to take the group B categorisation of Josh Murray and then move him into "we're going to consider him anyway"? What were the factors that led you to push that up?

VERITY FIRTH: The first thing that's probably important to note is that in my experience with recruiters, they're really useful, they're really good and they do a whole lot of that early leg work that's really important, but our job as the shortlisting committee was not just to rubber stamp the recruiter's opinion. Part of the reason of being a shortlist assessment committee was that we were deliberately put there to bring different opinions and assessments and experiences to the process. There was absolutely a legitimate point of view but it was just one data point, right? So what we were looking for explicitly when we were actually in the shortlisting committee is—we had a bit of a debate around what is really needed as a leader for the department of transport in the next iteration of its journey. We talked about the need for strong strategic leadership, so we had a bit of an early conversation about what are the qualities that you need, and we also talked a bit about the leadership team—the executive team, as a whole.

Where you've got really strong operational deputies, you can have a strategic CEO-type role; when you've got less strong operational deputies you may need to have a stronger operational CEO, or whatever the case may be. So we were also looking at the whole, the holistic point of view. So, as I said before, really, in terms of Mr Murray's candidacy, we felt that for the next—again, remembering, we're talking about shortlisting for interview and we felt that he did have, genuinely, the capacity to be shortlisted for interview. We needed a strategic leader. We needed someone who understood holistic, whole-of-government type interactions, which he would have learnt. We needed someone who was good with stakeholder management and customer service. We needed someone who was good with resources and cost blowouts, and a whole range of other things. So, all of those boxes, from what we had on the papers—and remember, these are paper-based assessments—we went, "Yes, that person should proceed to interview." There were other, as you know, strong candidates too, and we all thought they were strong candidates too and should proceed to interview.

The CHAIR: In your experience, because you've said you have done quite a few of these processes, how often does a candidate come from that lower category in this stage of the assessment and then proceed above the other candidates who have got that higher rating to begin with?

VERITY FIRTH: This isn't the first time I've seen it, at all, particularly when there has been an initial recruiter process. So, again, I'm not talking down the recruiters, because they really do play a really good role and they're very useful—and, again, we had really good conversations with Marianne as part of the process too—but it is just one opinion. Absolutely, I've been part of other processes where we've talked through the recruiter advice and then we've said, "Oh, no, but we particularly like this candidate." Often, we'll even then stress-test it with the recruiter: "Is this a reason why you've put them there?" "Okay, but this is what we think." So, no, it's not the first time in my professional experience where I've seen that happen.

The Hon. Dr SARAH KAINE: Thanks, Professor Firth. Talking about the assessment process, you mentioned that the resulting list was by consensus. So, in the end, the panel of yourself and the other assessors agreed on the final list. Is there anything, any stage of the process, that we haven't understood? I heard you just describe the kind of criteria that you used. Was there anything in particular—could you walk us through, without going into detail, the process?

VERITY FIRTH: So, as I said, the reason I felt it was robust was that the process we adopted was we had an initial conversation—we talked about what are the key things we want to see in a shortlisted candidate for interviews, so we talked about the key capabilities referencing back to the position description but also having a general conversation about what was needed at this point in time for the transport secretary role—and we then stepped through each candidate, talking about each of them, talking about our view of their CV, our view of their

cover letter, if anyone did know them professionally. Someone would say, "I have worked with this person before, for three years. My experience with them was a good one."

We just talked through each candidate. So we talked through all nine and then, at the end, we'd all sort of chatted it through and then we were just asked to put up what we felt our shortlist would be, and a consensus approach came up with the shortlist. What was good about it was it was genuinely consensus. There weren't outlying opinions. There were people genuinely just chatting through the issues and also wanting to provide a good spread of candidates to the interview panel.

The Hon. Dr SARAH KAINE: At any time before or during the process, did anyone direct you to show preference to any particular candidate at all?

VERITY FIRTH: No, not at all.

The Hon. Dr SARAH KAINE: And so you applied that same process, that same criteria, across all of the candidates that you were provided for as a—

VERITY FIRTH: Absolutely, yes.

The Hon. Dr SARAH KAINE: Professor, you are a former Minister and you've done a lot since, but I wonder if you could talk a bit about the importance of the role of secretary and the kinds of skills and the importance of the relationship between the secretary and the Minister?

VERITY FIRTH: As you would know, it is very important that there is a relationship of trust and transparency between the Minister and the secretary. Whilst the secretary always needs to give frank and fearless advice, it is important that there is good communication between them and that the Minister has faith—I suppose professional faith—in the secretary. So it is important that the Minister has confidence in the secretary of the department. It is virtually an impossible relationship if they didn't. So, yes, that's all I've got to say, really. It is a critical role in government, and if that doesn't work, nothing could work. You've got to get that relationship right.

The Hon. Dr SARAH KAINE: You've spoken a bit about both your interest in the recruitment process and your experience in it. Was this process consistent with other recruitment processes that you've been involved in? Was there anything that was particularly different, or was it consistent with recruitment at executive level?

VERITY FIRTH: It was entirely consistent with recruitment at executive level. If anything, it was more a proper process, and clearly so, but it was entirely consistent, including the relationship of the recruiter to the assessment panel. I have had a number of those sorts of interactions and it was really similar—very, very consistent—in exactly how professional practice is across both public and private sector appointments.

The Hon. Dr SARAH KAINE: I just want to ask you a few follow-up questions. When you say it was even "more proper"—I think were your words—what makes you characterise it in that way?

VERITY FIRTH: The fact that we had a separate assessment shortlisting panel from the interview panel I thought actually gave it an extra layer of rigour and protection, because I actually hadn't had that before—where the people shortlisting then don't proceed to be the ones interviewing. But it gave an extra overlay. So we assessed the shortlist and then we handed over, and then the deeper dive happens to a separate group of senior public servants. I thought that that was a very rigorous process.

The Hon. Dr SARAH KAINE: I wonder if you could comment. There's been a lot of public coverage of Mr Murray's appointment. Do you have concerns about whether that will have implications for attracting qualified candidates to senior roles in the future?

VERITY FIRTH: I do. I don't want to complain about it in the sense that obviously public scrutiny is important and obviously these are public sector jobs and important jobs. So in essence I think it is important that we have this sort of scrutiny but it worries me a bit because, particularly at times like this, we really need good-quality candidates applying for these roles. These are complex, difficult, in-the-spotlight sort of roles, and it does worry me that if this happens with this appointment, people just won't apply for these roles in future. We need to harness all the talent that's out there because there's so much complexity at the moment to the challenges that government faces.

The Hon. MARK LATHAM: Is there violin music to this? If you don't rort the process, you'd probably get good applicants.

The Hon. MARK BUTTIGIEG: Professor, can I just go to this narrative that, somehow because you're friends with the Minister, you're inappropriate for the role of the assessment panel. Assuming that, when you're in that position, you would've taken the same view that—if you're going to make such a momentous appointment and you're asked by the process to nominate an independent and you've characterised that independence as not

being in and of the public sector and you bring to it the independence that's associated with your role outside politics and the public service now, then you'd want someone that you knew and that you trusted. Would that be a fair enough statement? Is that why you think you were chosen by the Minister? She knows your capabilities, she's worked with you, she trusts your judgement. This would be highly unremarkable, wouldn't it? I mean, you'd want someone to—

VERITY FIRTH: I'd like to think so, yes. I believe and she told me that she wanted me there because she did—

The Hon. MARK LATHAM: You'd want someone who does your bidding. Is that what you're about to say?

The CHAIR: Order! Apologies, Professor Firth.

The Hon. NATALIE WARD: The hypocrisy.

The Hon. MARK LATHAM: The lectures this mob delivered in opposition.

The Hon. MARK BUTTIGIEG: Can we get the question answered?

The CHAIR: Order! All members will come to order. We have somebody who is online, who is trying to hear us. This is really disorderly. Can we just stop the sniping from the sidelines and give this witness the respect she deserves of asking her questions and letting her answer them. Go ahead.

VERITY FIRTH: Yes, I do believe that you would want someone whose professional judgement you trusted for such a critical appointment. Again, to draw parallels with other public and private sector practice, that's not unusual. In the university sector, when we go for independent, we go for people working in other universities, often in similar types of roles, who often we know well, have a collegiate, respectful—respect their judgement, respect their professionalism and invite them into the process. That's definitely the spirit of which I took her invitation into this process.

The Hon. MARK BUTTIGIEG: Given the amount of time you've been out of politics, Professor, I think you said—how many years is it now? Fourteen?

VERITY FIRTH: Yes, 12 years.

The Hon. MARK BUTTIGIEG: Can you just outline some of the experience in that post-politics role which gives you the qualifications to make these sorts of judgements on the assessment panel? I think it's important that this is drawn out because there seems to be an inference that, "Oh, she's Jo Haylen's mate. She's just there to do her bidding." I think it's important we address that.

VERITY FIRTH: Immediately after politics I was appointed as the chief executive officer of the Public Education Foundation. So I was a CEO role myself and obviously had to recruit to my own organisation and work with a board. But probably more significantly, I am now pro vice-chancellor at UTS, which is a senior executive role. I'm on the board of Teachers Mutual Bank as well as The Front Project as well as the James Martin Institute. In all of these board roles, I've been involved in high-level recruitments at the CEO level, which is why I say I have experience across both public and private sector organisations. I've worked extensively with recruiters both in terms of my own staff staffing recruitment but also in terms of being sitting on panels often as independent members for other organisations. I was tallying it up this morning. I think I've done senior executive CEO role recruitment at least 10 times and I've done recruitment more generally across a whole range of roles at least 20 times since I've left politics. I was in politics for four years. It's now been three times that that I've been out of politics and I've had a lot of professional experience since politics that I believe makes me useful.

The Hon. MARK BUTTIGIEG: So if I'm Minister Haylen looking at Professor Firth as a potential person for the assessment panel, I think, "Here's a person I've known for a long time, who I've worked with and who I rate and trust. Here's a person who's been a Minister and run mega departments with all of the associated complexities and the relationships with the secretary that go along with that, which is highly relevant to this appointment. And on top of that, here's a person who's had extensive experience in the private sector of recruiting. So, tick, tick, tick."

VERITY FIRTH: That's why I looked at it and why I said I was happy to help.

The CHAIR: Are there any other questions in this final 30 seconds?

The Hon. PETER PRIMROSE: Professor, you've mentioned in your opening statement and, again, just then about your experience recruiting to similar roles. I was wondering if you could—

The Hon. NATALIE WARD: Filibuster.

The Hon. PETER PRIMROSE: —refer to that and talk about some of your experiences in those other roles—without identifying anyone—and about how robust you think this particular process has been?

The Hon. DAMIEN TUDEHOPE: That's pretty good, Pete.

VERITY FIRTH: The reason why I thought this was particularly robust, as I've explained before, was partly the two-stage process. What I found in my other experiences is that it's extremely valuable working with a recruiter. The recruiter does a lot of the legwork that is difficult for you to do often, whether you're in a university or even in a private sector organisation with greater resources. The recruiter in this instance did do that. I absolutely understand why they went to a recruitment firm for a global search. It's extremely difficult to do a global search without a recruiter in the modern day and age. I've worked extensively with recruiters and I've always had good relationships with recruiters.

It's always been a robust relationship too because the reason why you have assessment panels, interviewing panels, of experts and professionals, either directly in the industry to which you are recruiting or with related skill sets or skill sets that can provide some diversity to the conversation, is that recruiters have just one set of opinions. They are just one part of the process. The reason I feel that this was a more robust process is that two-stage analysis and the fact that in the actual panel itself we went through candidates individual by individual. I felt that the experience that the panel had, particularly those who'd been involved in high-level public service recruitment, was invaluable. I learnt from them and I had an interesting insight into what I thought was a really good and robust process. So, to me, it aligned with my professional experience elsewhere but it also gave me that additional insight into a process even more rigorous than some of the ones I've been a part of in the private sector.

The CHAIR: Unfortunately, that's all that we have time for. Thank you for fitting us into your schedule, Professor Firth. To the extent there are supplementary questions or questions taken on notice, you'll have 21 days to respond to those and the Committee secretariat will be in touch. That concludes our hearing for today.

(The witness withdrew.)

The Committee adjourned at 17:50.