

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ECONOMICS

REVIEW OF THE FOUR MAJOR BANKS (FIFTH HEARINGS)

NAB

NAB03QON:

<p>Royal Commission – legal privilege claims</p>	<p>CHAIR: When you go through the process of deciding whether you're going to claim legal privilege in the context of a royal commission for the release of documents, is this simply advice from the legal counsel adopted by management, or is it something that is assessed? And is it assessed by the media and comms component of the business as well?</p> <p>Mr Chronican: A claim for legal professional privilege is typically where a document would contain the outcome of confidential legal advice from either your internal or your external lawyers. In the case of the process for managing the royal commission, and Gary may wish to correct me at some point here, my understanding is that all of the document supply and all of the claims for privilege that were made were reviewed by external counsel.</p> <p>...</p> <p>Mr Chronican: Management would accept the advice of external counsel and manage it on that basis.</p> <p>CHAIR: Before that decision was made, was there any discussion with the public affairs or corporate affairs arm of the bank around whether that was the appropriate thing to do strategically, shall we say, and/or from a brand perception point of view?</p> <p>Mr Chronican: I cannot answer that; I really do not know whether that had—</p> <p>CHAIR: You can take it on notice.</p> <p>Mr Chronican: Yes, I can take it on notice. I can find out for you.</p>	<p>Hansard pp. 56-57</p>
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Answer:

NAB's Corporate Affairs team (which includes what the Chair described as the public affairs arm of the bank) were not party to any decision as to whether NAB would make a claim for legal professional privilege in respect of documents requested by the Royal Commission. The determination as to whether to claim legal professional privilege was made by NAB's legal team and that advice was adopted by management.