

## OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 5 April 2019**

**2016/00086790-006 / Notice of Motion Civil - The Commonwealth Bank of Australia Limited v Australian Retirement Group Pty Limited**

HH directs that by 10 April 2019 the defendant provide to the plaintiffs unredacted copies of redacted documents discovered by the defendants on the basis that access to those documents be restricted to the counsel and solicitors acting for the plaintiffs until further order of the court and otherwise dismisses the defendant's notice of motion filed 3 April 2019.

**2016/00086790-007 / Notice of Motion Civil - Australian Retirement Group Pty Limited v The Commonwealth Bank of Australia Limited**

Notice of Motion granted

HH makes an order that the defendant give discovery to the first and second plaintiffs of the documents referred to in the document which HH has initialled and dated today's date as amended by HH, such discovery to be given by 10 May 2019.

Discovery to First and Second Plaintiffs

- i. Any minutes of meeting the "Non-Retail Credit Risk Committee (NRCRC)" held between 1 April 2009 and 30 June 2009 approving "revisions to lending guidelines and policy documentation which have tightened risk appetite" as referred to at p.0032\_of [CBA.0502.9888.0032];
- ii. The "CAM Policy Framework", either as a standalone document or as a series of documents, referred to at p.0357 of [CBA.0517.0075.0190];
- iii. Not made;
- iv. The "Approval Log [which] is maintained recording all credit decisions made using individual LDA, with "One-Down Reviews" to be completed by Chief Managers for CAM Managers in their teams and by Head of CAM of Chief Managers each quarter commencing from 31st December 2010" as referred to at p.1773 of [BWA.600.153.1772];
- v. Not made;
- vi. Not made;
- vii. Not made;
- viii. Any minutes of "Monthly CAM State Manager meetings held in the Period to review strategies, performance and new initiatives", including papers prepared for or considered at those meetings;
- ix. Any "Monthly CAM Reporting Pack" during the Period;
- x. Not made;

xi. Not made;

xii. The report of Mark Sutton referred to at item 3.3 on p0048\_0003 of [CBA.0502.9888.0048] and “management response to Mark Sutton’s report”;

xiii. Not made;

xiv. Not made;

xv. Not made;

xvi. Not made;

xvii. Not made;

xviii. Not made;

xix. Appendix 1 to the Risk Appetite Statement, referred to at item 5.1 on p0048\_0004 of [CBA.0502.9888.0048];

xx. Not made;

xxi. Copies of any BankWest non-retail and retail credit rating policies in force at any time during the period 1 July 2008 to 19 December 2008;

xxii. Any action plan referred to in CBA 1004.0147.0357;

xxiii. Not made;

xxiv. Not made;

xxv. Not made;

xxvi. Not made;

B. Not made;

C. The “Credit Review report” referred to in the sixth bullet point on at p 0049\_0002 of [CBA.0502.09888.0049] (being the bullet point with the text “To address the cultural issues identified by senior management and contained in the Credit Review report ...”).

Justice M Ball

Signed

Date