



**Bondi Beach**  
Swimmers rail against  
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**Cote d'Azur holiday**  
Jerry Hall makes waves  
with her \$24b man  
**ANDREW HORNER PS, PAGE 16**

**Weekend** Issue No. 56,403 \$4 (inc GST)  
July 21-22, 2018

# The Sydney Morning Herald

INDEPENDENT.ALWAYS.

## DISCRIMINATION CLAIM

# Tell us about your sex life: ANZ

## EXCLUSIVE

**Sarah Danckert**

ANZ Bank has forced a former employee to recount being raped as a teenager and other details of her sexual history outside of work in a harassment lawsuit.

The bank's lawyers also interrogated the former senior ANZ trader over other non-work matters, including whether she had sought psychiatric assistance and if she had ever had a sexually transmitted disease.

The legal tactics of ANZ were revealed in a transcript of a deposition last year, and made available last month, undertaken as part of a multimillion-dollar workplace discrimination claim filed by the former trader against ANZ and the bank's head of corporate sales America, Ravi Nursey, in New York.

ANZ's pre-trial strategy follows the bank's battles with cultural



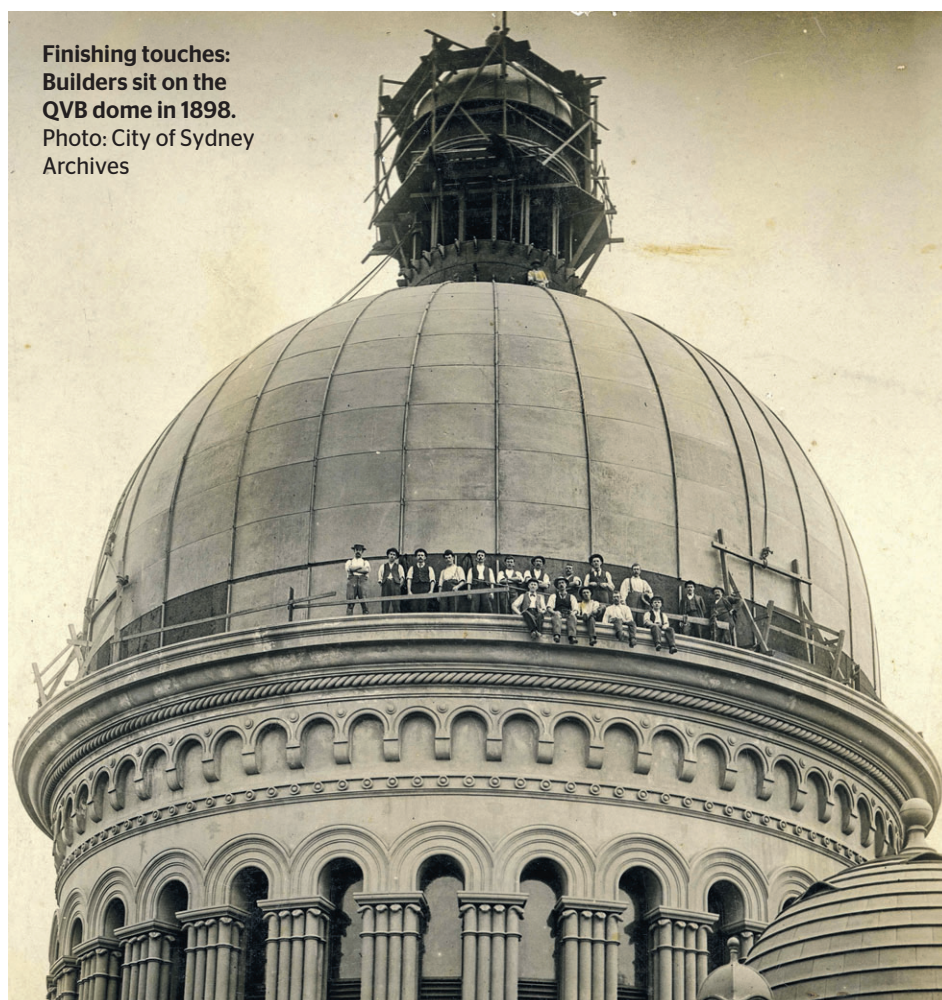
**Turning bad**  
Why bankers  
charge fees to  
dead people  
**GOOD WEEKEND**

**Bank CEOs  
face grilling**  
**NEWS Page 2**

issues in recent years including allegations it has fostered a toxic culture of sexism and drug use.

In an extract of the deposition, lawyers for ANZ grilled the executive about sexual abuse she suffered as a freshman at university in the US. When the executive's lawyers tried to object to the questions, ANZ lawyer at the time Christopher Lowe defended the line of questioning by implying she may have overreacted to an innocuous incident.

"Say I got a splinter in my finger  
**Continued Page 2**



Finishing touches:  
Builders sit on the  
QVB dome in 1898.  
Photo: City of Sydney  
Archives

## QVB TURNS 120

Sandstone treasure they wanted to  
demolish for a carpark **NEWS PAGES 8-9**

**McCullough's  
cheating  
husband  
wins the lot**  
**NEWS PAGE 4**



**Developer's  
'gym workouts'  
under ICAC  
spotlight**  
**NEWS PAGE 3**

**"I can see why  
people are worried."  
Have we hit peak  
selective?**  
**NEWS REVIEW**



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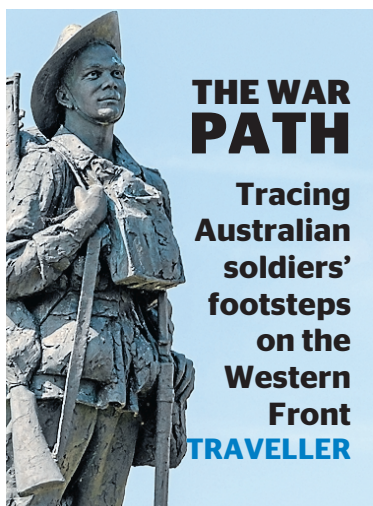
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## THE WAR PATH

Tracing Australian soldiers' footsteps on the Western Front

TRAVELLER



## The daily mile

School kids run for 15 minutes

GOOD WEEKEND



## RONAN THE KINGSLEYER

Harvey Weinstein was just the beginning, says Ronan Farrow

SPECTRUM

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**Crossword winner**

No. 21,607 (July 14-15)

Peter Cox, Merrylands

Permit numbers: NSW LTPS/16/00907,

ACT TP 16/00110

**Spectrum crossword, Page 29**

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## ROYAL COMMISSION

# Bank bosses set to face grilling

Sarah Danckert

The bosses of the country's biggest banks are expected to be hauled before the royal commission in November.

The *Herald* understands that Commonwealth Bank's Matt Comyn, ANZ Bank's Shayne Elliott, Westpac's Brian Hartzler and National Australia Bank's Andrew Thorburn will all face questioning at the commission.

The bank boss grilling comes as the royal commission confirmed it would be sticking to the original timeline of issuing an interim report in September despite criticism the inquiry has not delved deeply enough into poor behaviour in the industry, and offers by the Turnbull government to extend proceedings beyond the year-long time frame originally stipulated by Canberra.

The CEOs are expected to appear at the seventh round of hearings, between November 19 and November 30, where the royal commission will examine the policy questions arising from the first six rounds.

Sources said the banks were already starting to prepare their respective chiefs for the examinations.

However, the bosses are not expected to face the hardline questioning from counsel assisting Kenneth Hayne that their junior executives have experienced at earlier hearings.



It is understood the focus will be on bank policy.

The royal commission announced yesterday that it would hold two additional rounds of hearings before delivering a final report in February.

Insurance will be the focus of the sixth round of hearings, which will be held in Melbourne between September 10 and September 21.

Life insurance is expected to be a key

See the CEOs: National Australia Bank's Andrew Thorburn and, from top, CBA's Matt Comyn, Westpac's Brian Hartzler and ANZ's Shayne Elliott. Photo: Simon Schluter

focus of the hearings. A series of reports in 2016, including a joint *Herald* and ABC exposé in 2016 on the Commonwealth Bank's former insurance arm CommInsure, revealed a litany of poor practices in the sector including terminally ill patients being refused payouts and doctor shopping.

The superannuation sector, including the retail funds owned by the big banks and union-backed industry super funds, are already gearing up for the fifth round of hearings, which begins on August 6.

Commissioner Hayne also confirmed on Friday that he intends to submit an interim report to Governor-General Peter Cosgrove by September 30.

The interim report will only cover the first four rounds of hearings and focus on policy-related issues.

In a statement released yesterday, the royal commission said the interim report will not cover superannuation and insurance.

Public submissions will be turned off at the end of round six.

By the end of round six, the royal commission will have heard 69 days of evidence regarding misconduct across the entire financial services sector in Australia.

By comparison the Trade Union Royal Commission sat for 189 days and the royal commission into Victoria's Black Saturday fire ran for 155 days.

## Tell us about your sex life: ANZ's defence revealed

From Page 1

and then I tell you I had all these treatments and traumas and it really affected me, but I never told you what the incident was. So how are you supposed to judge whether that is a reasonable reaction or not, or whether that is how anyone would react?" Mr Lowe said.

Mr Lowe added: "For example if I patted my secretary on the bottom she might view that as sexual abuse. If I were to rape her that is also sexual abuse."

The executive is then required to relate the incident to the lawyers.

She described it saying: "Freshman year of college I was taking a bus back from New York to Buffalo. I woke up to find the stranger next to me, his hand in my v-----."

She then explains that she did not go to the police, but told her boyfriend at the time.

The former trader was also pressed about whether she attended sex workshops outside of work, with her saying

she did not. She was also asked about the health of her family, whether she had ever had any sexually transmitted diseases and whether she had ever been on safari.

The trader's lawyer Renan Varghese said in an application to have the testimony removed from the trial that "it appears as if the defendants intend to use this material at trial to similarly embarrass and demean" his client in front of a jury.

"This disgraceful tactic constitutes a blatant continuation of the harassment and retaliation [the trader] suffered at ANZ."

A spokesman for ANZ said the bank was disappointed in the line of questioning that was put to their former employee by their external lawyers.

"We are aware that the law and practice in the United States is different to Australia, however the questioning was not consistent with our culture or values and we don't consider her past sexual history or her being the victim of sexual

abuse relevant to our defence," the spokesman added.

"We have spoken with our external lawyers in New York, and can assure [the trader] that we will not be raising these matters as part of the trial."

The former ANZ executive alleges she was asked continually about her sexual history at a work dinner, that male staff members bragged openly about attending sex bars, and Mr Nursey had told a female colleague she "can suck my d---k" when she complained how he handled a trade.

She also alleges Mr Nursey repeatedly told her a task was "so easy a monkey could do it".

ANZ grilled the trader in a deposition ahead of the matter going to a jury trial in September this year to further its defence against the former trader's claim that she suffered emotional distress as a result of the alleged harassment.

The *Herald* has chosen not to name the senior trader at her request.



Surge in shadow bank lending

BUSINESS

## Coles attacked over plastic toy giveaways after plastic bag ban

Furious consumers have attacked Coles for giving away toy plastic replicas of some of its grocery products after it banned plastic bags to protect the environment. Clean Up Australia says Coles is squandering consumer goodwill from its bag ban and the promotion sends a mixed message about where the retailer stands on limiting plastic waste. Coles is giving away a collectable range of 30 mini-products, from Vegemite and Nutella jars and bunches of bananas, and is selling plastic-lined cases to store them in. Environmentally conscious consumers have vented their anger on social media, saying it's a baffling move after the retailer phased out its

free single-use plastic shopping bags. They've also ridiculed the retailer's online response, including that the toys are designed to be kept and collected, not thrown away. "Coles do you imagine people will collect these and keep them forever," Kate Roberts posted on the Coles Facebook page. Coles says shoppers can refuse to accept the toys, which are given away with every \$30 spent. It has also advised shoppers that the plastic wrappers the replicas come in can be recycled. But Clean Up Australia managing director Terrie-Ann Johnson said there was no doubt the limited-time promotion would add to the nation's plastic waste.

AAP

## Weinstein claims he had a bargain with Judd, urges case be dismissed

**Los Angeles:** Harvey Weinstein's lawyers have asked a federal judge to dismiss a defamation lawsuit brought by actress Ashley Judd that charges the producer ruined her career after she rejected his sexual advances. Weinstein's legal counsel claims the movie mogul and the actress had a "bargain" that allowed him to touch her if she "won an Academy Award in one of his films", records show. The allegation was met with outrage and disgust from Judd's attorney, who denied there was such a deal and said the actress was simply trying to escape Weinstein's clutches. "Mr Weinstein's arguments seeking to escape the con-

sequences of his despicable misconduct are not only baseless, they are offensive. We look forward to ... moving forward with discovery into his outrageous behaviour and proving to a jury that Mr Weinstein maliciously damaged Ms Judd's career because she resisted his sexual advances," said Theodore J. Boutsous, Judd's attorney. Weinstein's allegations mark a bold legal strategy for the former movie executive. The move in federal court comes just days after Weinstein's criminal lawyer denied Weinstein told a columnist for a British magazine that the producer traded roles in his productions for sex.



# 'Disgraceful' grilling of ANZ trader on rape

Sarah Danckert

ANZ Bank has forced a former employee to recount the details of her rape as a teenager as part of its defence against allegations she was sexually and racially harassed at the bank's New York office.

The bank's lawyers also interrogated the former senior ANZ trader over details of her sexual history and her activities outside work, including whether she had sought psychiatric assistance and had ever had a sexually transmitted disease.

The legal tactics were revealed in a transcript of a deposition last year, and made available last month, as part of a multi-million dollar workplace discrimination claim filed by the former trader against ANZ and the bank's head of corporate sales America Ravi Nursey, in New York.

ANZ's pre-trial strategy follows the bank's battles with cultural issues in recent years including allegations it has fostered a toxic culture of sexism and drug use.

In an extract of the deposition, lawyers for ANZ grilled the executive about sexual abuse she suffered at university in the US.

When the executive's lawyers

tried to object to the questions, ANZ's lawyer at the time, Christopher Lowe, defended the questioning by implying she may have overreacted to an innocuous incident.

"Say I got a splinter in my finger and then I tell you I had all these treatments and traumas and it really affected me, but I never told you what the incident was. So how are you supposed to judge whether that is a reasonable reaction or not, or whether that is how anyone would react?" Mr Lowe said.

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The former trader was also asked if she attended sex workshops outside work, with her saying she did not. She was also asked about her family's health, whether she had ever had any sexually transmitted diseases or been on safari.

The trader's lawyer, Renan Varghese, said in an application to have the testimony removed from the trial that "it appears as if the defendants intend to use this material at trial to similarly embarrass and

demean" his client in front of a jury.

"This disgraceful tactic constitutes a blatant continuation of the harassment and retaliation [the trader] suffered at ANZ."

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The Age has chosen not to name the senior trader at her request.



Brompton estate in Cranbourne  
South netted its owners \$55 million.  
Photo: Joe Armao

## Big bank bosses to face royal commission questioning

Sarah Danckert

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