

**Senate Standing Committee on Environment and Communications**  
**Answers to Senate Estimates Questions on Notice**  
**Supplementary Budget Estimates Hearings October 2016**  
**Communications Portfolio**  
**NBN Co Limited**

**Question No: 127**

**NBN Co Limited**

**Hansard Ref: Page 138, 18/10/2016**

**Topic: Article during Caretaker - Drafts**

**Senator O'Neill, Deborah asked:**

**Senator O'NEILL:** Did Mr Switkowski or you, Mr Morrow, or you, Ms Keisler, or anyone from nbn seek further legal advice from any experts around this matter?

**Mr Morrow:** We naturally had shared what was published with our general counsel, who had seen it.

**Senator O'NEILL:** Who is your general counsel?

**Mr Morrow:** Justin Forsell.

**Senator O'NEILL:** And you did seek legal advice in the middle of this process?

**Mr Morrow:** Legal advice—we asked them to review one of the drafts that was produced.

**Senator O'NEILL:** How many drafts were there?

**Mr Morrow:** As with anything, you draft and you see a few edits, and it is the chairman's prerogative to edit as much as he likes.

**Senator O'NEILL:** I might agree with that. I do not know whether it is his prerogative to decide that he is a bit upset and is going to put something out in the middle of a campaign period. Ms Keisler, how many drafts were there, in your view?

**Ms Keisler:** I cannot recall.

**Senator O'NEILL:** Ten, twenty, five—

**Ms Keisler:** No, there were maybe three.

**Mr Morrow:** I do not think we should answer with anything that is a guess or an estimate of that nature.

**Senator O'NEILL:** Could you provide us with copies of the drafts then?

**Ms Keisler:** I will take that on notice.

**Senator O'NEILL:** Is there any reason why you would not be able to provide us with copies of the drafts? Do you still have those records?

**Ms Keisler:** It is not mine to share.

**Answer:**

Ms Keisler provided information and advice to the Chairman throughout the iterative process of developing the opinion editorial. The article was written by the Chairman with minimal edits made to ensure that it conformed with publishing requirements. nbn's view is that the opinion editorial complied with the guidance contained within the Caretaker Conventions.