

Union corruption royal commission: Dyson Heydon releases Liberal fundraiser documents following ACTU request

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The man presiding over the trade union royal commission, Dyson Heydon, has released documents relating to him agreeing to speak at a Liberal Party fundraiser.

Justice Heydon was scheduled to be the keynote speaker at the Sir Garfield Barwick Address in Sydney later this month, but he has since withdrawn from the event.

Justice Heydon read out the documents requested by lawyers for the ACTU, who are considering applying for the commissioner to be disqualified on the basis of bias or reasonable perception of bias.

The documents produced included those relating to the initial invitation to attend the event and copies of all drafts of his speech, among others.

Robert Newlinds SC, who has been representing the ACTU, said he would need at least 24 hours to assess the documents and make a decision on whether or not he would apply to have Justice Heydon disqualified.

But the request caused a heated exchange with Justice Heydon, who said he would give him half an hour. "I can't accept that, Mr Newlinds. I think an application of this type is rather important," Justice Heydon said. "I think it's important as well, which is why I want to consider the position," Mr Newlinds replied. "And if it's being suggested that if I don't make it now I will have forever waived it, my submission would be that would be wrong as a matter of law." "The proposition ... seems to be that I'm grand standing, intentionally creating a farce."

The commissioner maintained his stance, and adjourned the hearing for two hours.

HEYDON DID NOT UNDERSTAND EVENT WAS A FUNDRAISER

Earlier, Justice Heydon told the royal commission he did not understand the Sir Garfield Barwick Address "was in any sense a fundraiser".

"On 12 August, 2015, the coordinator of the Sir Garfield Barwick address sent me an email which has been previously released by the commission," he said. "I was engaged, either in hearings or in other duties, until the following morning. "At that time I caused my personal assistant to send an email which included the following words: 'If there is any possibility'; those two words emphasised 'that if the event could be described as a Liberal Party event, he will be unable to give the address, at least while he is in the position of royal commissioner'. "Shortly after the dispatch of that email, it was made plain I would not be giving the address. My understanding at all times has been that the dinner was not to be a fundraiser." Justice Heydon said at the time he had an academic post at Oxford Law School, where he received many invitations to speak at public functions.

"When I received the contact by email from the coordinator, I remembered that I had agreed to give the Garfield Barwick address in August 2015.

"However, in March ... I overlooked the connection between the person or persons organising the event and the Liberal Party which had been stated in the email of 10 April, 2014."

He said he also overlooked the fact his agreement to speak at that time had been "conditional on the work of the commission being completed before that time".

"To the best of my recollection I had one or more informal discussions several years ago with the coordinator of the Sir Garfield Barwick about the possibility of delivering the address at some future time.

"On 10 April 2014, a further approach was made orally to me ... [and] I indicated to the person who made the approach that I would be amenable to delivering the 6th annual Sir Garfield Barwick address in August 2015 if the Commission had completed its work."

He said by that stage, the reporting date for the commission had been extended in October 2014 to December 2015.

The Prime Minister has again defended the royal commissioner. Tony Abbott has told Parliament Justice Heydon is professional and impartial. "After Mr Heydon became aware that it was a Liberal-badged event, he withdrew," Mr Abbott said.