

Labor's sinister ploy to attack Dyson Heydon to protect Bill Shorten

Andrew Bolt, Herald Sun, August 17, 2015

LABOR'S vilification of one of Australia's most distinguished former judges has one urgent aim: to distract from leader Bill Shorten's shady past.

Labor's attack last week on Dyson Heydon, now heading the royal commission into trade union corruption, is both sinister and possibly illegal. Its obvious purpose is to discredit an investigation into deals Shorten made as a union boss, involving alleged kickbacks to his union from employers and even a \$40,000 personal gift.

That makes this attack on the former High Court judge an apparent breach of the Royal Commissions Act, which carries a penalty of even jail for anyone who "intentionally insults or disturbs" a royal commission. Yet Labor frontbenchers last week still trashed Heydon as "conflicted and biased", a Liberal "bag man" in charge of a "witch hunt" and "farce" whose job was to "smear" the Government's "opponents".

What makes this abuse even more damaging to our rule of law is that it is cheered by Labor's media allies, especially in the ABC. The ABC last week endlessly repeated Labor's lie — that Heydon had "agreed to speak at a Liberal Party fundraising event".

This charge, meant to discredit Heydon, is false. He agreed to no such thing. Heydon agreed only to give the Sir Garfield Barwick Memorial Lecture — an annual lecture to lawyers that was last year delivered by another former High Court judge, Murray Gleeson.

Before this story broke in the media, Heydon made clear in writing to the organisers, a group of Liberal lawyers, he would not appear if there was "any possibility that the event could be described as a Liberal Party event", let alone a Liberal fundraiser. The organisers assured Heydon in writing that "this is not a fundraiser", noting the modest charge of \$80 a head was just to cover costs of the three-course meal and expenses. Yet the organisers sent out invitations this month with a Liberal logo and a declaration that the charge for the lecture complied with electoral funding laws. Idiots.

That's when Labor pounced.

So was Heydon unwise to accept an invitation from a Liberal organisation?

Yes. He just gave Labor the excuse for the attack it's been desperate to launch. But does this show what Labor is now suggesting — that Heydon's royal commission is just a Liberal stitch-up led by a Liberal flunkey with one eye?

Absolutely not.

Sure, I understand why Labor's shadow attorney-general, Mark Dreyfus, is now shouting for Heydon to resign or be sacked.

But it's not because Heydon has shown bias in running his royal commission.

Indeed, the opposite. Many Liberals were disappointed that he actually watered down the finding that his counsel assisting, Jeremy Stoljar, recommended against former Labor prime minister Julia Gillard for her role in the Australian Workers' Union slush fund scandal.

No, Labor's real worry with Heydon is not bias he has actually shown in the commission, and Labor can point to none.

Labor is, instead, panicking about the evidence Heydon's commission is uncovering — evidence that could sink Shorten unless Labor destroys Heydon first.

That is why Labor is trying to make one of our most eminent jurists seem like just some Liberal hatchet man, whose royal commission is corrupted with his anti-Labor bias.

And if it can force Heydon to quit, even better, because his entire royal commission will then seem discredited — as will all the findings it's already made against several of the big unions that pay Labor's bills.

Yes, that's the real conflict of interest here. This is Labor shovelling dirt on Heydon not just for its boss but its union paymasters.

In fact, here's one conflict of interest made flesh: one of the Labor frontbenchers leading the attack on Heydon is employment spokesman Brendan O'Connor, whose brother Michael is national secretary of the CFMEU, the union which faced the most serious corruption allegations in Heydon's interim report last December.

So what are the findings Labor wants to bury with Heydon?

Well, Labor hopes you will now ignore evidence Heydon heard that Shorten as national secretary of the AWU accepted a \$40,000 gift from an employer of workers his AWU was meant to represent. This highly improper gift — wages for a fulltime worker on Shorten's 2007 campaign to get into Parliament — was disguised by the employer and never declared by Shorten to the electoral commission, as required by law. (Shorten says he didn't know what the employer wanted in return, and gave him no favours.)

Labor also wants you to overlook another donation Shorten never disclosed until two months ago, after he learned the royal commission was on to it — the \$14,000 that the Shorten-led AWU gave to the Shorten campaign. And Labor still has the gall to accuse Heydon of a "conflict of interest"? Labor also hopes that by smearing Heydon it will make you forget even more strange deals involving Shorten that Heydon is investigating.

For instance, there's the deal Shorten negotiated with Thiess John Holland that cut conditions for the workers but secretly gave \$300,000 to Shorten's union — including payments for ads in the union magazine that never appeared, medical research the union never did and training courses the union never organised. (Shorten told the royal commission he did not recall suggesting any particular figure to John Holland, and knew nothing about fake invoices. He insisted donations from employers did not stop him fighting for the best deal for their workers.)

Then there's the deal the AWU signed with Cleanevent under Shorten's authority that resulted in cleaners losing penalty rates. Cleanevent, having saved millions, then paid the AWU's Victorian branch \$25,000 a year under a separate "side deal". (Shorten said he did not know of that side deal, which the AWU two months ago admitted was "untoward".)

Mind you, the union movement wants you to think everything else uncovered by Heydon's commission, involving half a dozen big unions, is also now worthless. That's why it has joined Labor in sliming Heydon.

So you're now meant to believe that just because some Liberals arranged a law lecture for Heydon, you should dismiss the scandals Heydon's commission has investigated. Forget the corruption that

engulfed particularly the AWU, CFMEU and Health Services Union, and claims of thuggery and blackmail.

Forget that private details of more than 300 workers were unlawfully leaked by Cbus (the construction industry superannuation fund) to the CFMEU, leading to some workers being contacted and threatened by union officials.

Forget the secret recordings played in the royal commission of CFMEU officials threatening contractors and workplace inspectors, and demanding bribes.

And show no interest in other evidence, like union bosses slipping into lucrative jobs in the union super funds that workers are forced to join.

Yep, forget all that. Because the real crime is this: a former judge agreed to a Liberal lawyer's request to give a lecture on the law.

And if you believe that, you deserve all the corruption Heydon has risked his reputation to uncover.