

17 August 2015

The Honourable Mr Dyson Heydon A.O. Q.C.  
Royal Commissioner,  
Trade Union Royal Commission

Dear Commissioner,

**Concern of the Australian Council of Trade Unions as to Bias or Reasonable Apprehension of Bias on the part of the Royal Commissioner**

We are instructed on behalf of the Australian Council of Trade Unions ("the ACTU").

In the last several days, it has come to the attention of our client that later this month you were to attend and be the guest speaker at an event described by the organisers as a "Liberal Party Fundraiser."

We understand that the the following documents were released by the Commission at the end of last week.

Email from Mr Gregory Burton headed "Dear Dyson" on 12 August 2015;

Email from your personal assistant Barbara Price in response dated 13 August 2015.

A Liberal Party flyer advertising the event (which may or may not be an identical copy of an attachment to the Burton email.)

Our client is considering asking you to disqualify yourself from further presiding over the TURC. The above material suggests that up until Thursday of last week you were intending to attend the event as guest speaker. Some suggestion has been made in media reports that you were unaware that the event was a Liberal Party event. That statement seems to be at odds with the content of the emails released.

In order that a fully informed position can be reached our client wishes to make application that you provide further documentation.

Such documentation in our view would at least include;

all documents recording the initial invitation to you to attend the event;

a copy of any document received by you in 2015 promoting the event;

a copy of the attachment to the Burton email;

all relevant communications passing between you and your assistant Barbara Price;

all relevant communications passing between you and the federal government;

copies of all drafts of your proposed speech for the Liberal Party fundraiser including all marginalia;

all other communications between you and Mr Burton and any other organisers of the function;

records of all communications between you or the Commission and the media relating to the release to the media of the documents referred to above

records of all communications between you and the Commonwealth government concerning the event, particularly those which enabled the Prime Minister and the Attorney-general to answer questions about the event;

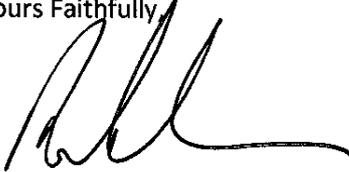
any other documentation you believe is relevant to the issues raised in this correspondence..

The intent of this request is that all documents whether stored in hard copy or electronically be provided. In the foreshadowed application we will request that our client be provided with all such material as soon as reasonably possible.

We have retained Mr Robert Newlinds S.C to advise the ACTU on the matter. Our current intention is to seek to make our application before the Commission at 2.00p.m. today. Mr Newlinds will approach counsel assisting Monday morning to arrange a suitable time to be heard by the Royal Commissioner on this matter.

Mr. Newlinds has not previously appeared before the Commission for any party and leave is sought for him to appear for our client on the foreshadowed application.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Peter Gordon', written over the typed name.

Peter Gordon  
Principal  
Gordon Legal