



Royal Commission into Trade Union Governance and Corruption

27 August 2015

By email: pgordon@gordonlegal.com.au

Mr Peter Gordon
Principal
Gordon Legal
Level 21, 120 Collins Street
MELBOURNE VIC 3000

Dear Mr Gordon

ACTU Disqualification Application

Thank you for your letter this afternoon concerning the article in *The Australian* newspaper this morning.

Your letter of 17 August 2015 requested the Commissioner to produce documents falling within 10 categories. As you will appreciate the Commissioner was on 17 August 2015 and is now under no legal obligation to produce any documents to your client or indeed, any of the other applicants. That is particularly so in relation to documents that are not his documents, nor under his control.

Notwithstanding the above, **enclosed** is an email exchange between Mr Stoljar SC and Mr Winslow on the evening of 12 August 2015. Mr Stoljar did not speak with Mr Winslow either on the evening of 12 August 2015 or the following day. There was no other relevant communication between them on 12 or 13 August 2015. In particular, with respect to paragraph 1 of your letter, Mr Winslow did not communicate to Mr Stoljar that he had been contacted by a journalist or that he had a fear that a story about the matter might appear in the media.

In addition, Mr Stoljar has made available his personal diary note of a conversation he had with the Commissioner at approximately 9am on 13 August 2015. It is also **enclosed**. The diary note has been redacted to exclude confidential notes in relation to unrelated matters, including personal matters and operational matters of the Royal Commission. The note reads:

"Following conf – discussion JDH re Garfield Barwick address and my email from Chris Winslow saying it was a Liberal Party fundraiser. However JDH showed me an email from Greg Burton to him, also yesterday 12/8, saying it is not a fundraiser. JDH:

Burton is closer to the action than Winslow – he ought to know. So OK to go ahead if JDH writes clarifying + response OK.”

In his conversation with the Commissioner, Mr Stoljar did not show the Commissioner the emails themselves.

None of the documents is caught by your request of 17 August 2015. I note that the relevant issue is the Commissioner's state of mind, not that of anyone else. Your letter of 17 August was properly consistent with that approach in that all but the eighth category related to communications involving the Commissioner himself. The eighth category is irrelevant to the documents produced with this letter. The best evidence of the Commissioner's state of mind on 13 August 2015 was the email of 9.23am on 13 August 2015, not emails or a note he had not seen at that time.

Whilst the Commissioner does not presently apprehend the relevance of the documents to the issues raised in the applications, in response to paragraph 9 and 10 of your letter the Commissioner proposes as follows:

1. He will defer the delivery of his decision currently scheduled for 10am tomorrow;
2. If any of the applicants wish to make any further submission on their application in connection with the documents, then such submissions must be made in writing and received by me by 5pm tomorrow; and
3. Subject to completion of the timetable for submissions, the Commissioner expects to deliver his decision on Monday.

If this timetable as proposed presents any difficulty then please communicate any alternative proposal to me by 6pm tonight.

Yours sincerely



James Beaton
Solicitor Assisting

Royal Commission into Trade Union Governance and Corruption

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Jeremy Stoljar

From: Chris Winslow <cwinslow@nswbar.asn.au>
Sent: Wednesday, 12 August 2015 7:31 PM
To: Jeremy Stoljar (jstoljar@eightselborne.com.au)
Subject: Dyson

Jeremy

Is Dyson Heydon aware that the Garfield Barwick Address, which he is due to deliver, is a Liberal Party fundraiser?

Chris

Sent from [Outlook](#)

Chris Winslow

Publications Manager
New South Wales Bar Association

T (02) 9229 1732

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BAR ASSOCIATION

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Jeremy Stoljar

From: Jeremy Stoljar
Sent: Wednesday, 12 August 2015 8:05 PM
To: Chris Winslow
Subject: Re: Dyson

I'll raise that with him. Thanks.

Jeremy Stoljar SC

Liability limited under a scheme approved under professional standards legislation.

On 12 Aug 2015, at 7:31 pm, Chris Winslow <cwinslow@nswbar.asn.au> wrote:

Jeremy

Is Dyson Heydon aware that the Garfield Barwick Address, which he is due to deliver, is a Liberal Party fundraiser?

Chris

Sent from [Outlook](#)

Chris Winslow

Publications Manager

New South Wales Bar Association

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13/8/15

Talking with - discuss JDT re Graham
Barwick address a my email from Chris, Wank
saying it was a Litter Park foundation. Home

JDH showed me an email from Florio Gary
Burden to him, also yesterday 12/8, saying it
is not a foundation. JH: Burden is closer
to the action than Winslow - he ought to know.
So ok to go ahead if JH writes clarifying + response^{or}