

# WINE NEWS

## East Timor bugging prosecution 'heartbreaking', lawyer Bernard Collaery says

7.30 By Michael Vincent

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PHOTO: Bernard Collaery says the law has been his life. (ABC News)

**Australian lawyer and former legal representative for East Timor, Bernard Collaery, says the charges against him for allegedly breaching the Intelligence Services Act for revealing Australia bugged East Timorese government offices mean he is facing the prospect he may never practise law again.**

"The law is my life," he told 7.30.

"Heartbreaking though it is to me and my family, I need to adjust to where I'm at."

Mr Collaery, a former ACT attorney-general, is one of two Australians who face unprecedented charges for allegedly breaching the Intelligence Services Act, including conspiracy to share secret information.

It could see him face up to two years in jail and the loss of his legal licence.

The other person charged is former senior ASIS officer Witness K.

It is claimed the pair revealed that Australia had bugged East Timor's government offices in 2004 to gain the upper hand in oil and gas negotiations.

"I won't accept the notion that I'm against the government," Mr Collaery said.

"I'm against an element in the government, I haven't been able to identify precisely that element, but it's certainly involved with corporate trade issues."

### Aussie spies and the nation's financial gain

Australia's foreign spy service ASIS has the power to act in "Australia's national economic wellbeing".

So at the same time as Australia was providing millions of dollars in aid to help the fledgling nation of East Timor get on its feet, it's alleged to have been covertly acting to prevent the Timorese from getting billions of dollars in oil and gas revenues from the Timor Sea, with Australian company Woodside set to benefit the most.

"Section 11 of the Intelligence Services Act talks about national economic wellbeing ... as opposed to the wellbeing of a particular corporation which then offers consultancies and directorships can't be confused with the national economic wellbeing," said former Defence intelligence officer Clinton Fernandes, now an academic at the University of NSW.

"I would say that about half or more of those clandestine activities occur for economic purposes."

## Historical record



**PHOTO:** Alexander Downer says employees of intelligence agencies are not above the law. (AAP: Alan Porritt)

The foreign minister back then was Alexander Downer. Several years after leaving parliament in 2008 he worked briefly as a consultant for Woodside.

In a 2014 interview with Four Corners, he dismissed any concerns that the Australian government was too close to Woodside.

"Of course when we're involved in negotiations we maintain contact with Australian companies," he said.

"The Australian government unashamedly should be trying to advance the interests of Australian companies."

In a statement to 7.30 he said: "Those who have run or worked in intelligence agencies never respond to specific claims."

Mr Downer said he was solely motivated by a desire to maintain the integrity of Australia's borders at the time of the negotiations.

Regarding Mr Collaery and Witness K, Mr Downer said: "Employees of intelligence agencies are not above the law."

## Charges secret until Wilkie speech

Tasmanian MP Andrew Wilkie revealed the charges when he rose in the Parliament last month.

"There is no good reason why the government would be doing this right now except for political reasons and to punish people in an unwarranted way and to silence those who might follow them," Mr Wilkie told 7.30.

Attorney-General Christian Porter was then forced to acknowledge publicly he had consented to the prosecution.

"I received advice, as the usual course of these matters, from the Director of Public Prosecutions. That advice was to prosecute," he said last month.

"It was an independent decision made by the Director of Public Prosecutions based on their consideration of the evidence and the law and their guidelines."

Some have described the prosecution as "vindictive", "vengeance" and "an act of bastardry".

"I've had enormous expressions of support from, interestingly, the defence and intelligence community. There's no doubt at all that there is a vast difference in opinion on this issue," Mr Collaery said.

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