

Witness K should not be in court: lawyers

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By Finbar O'Mallon, Australia Associated Press

Human rights lawyers say the case against a whistleblower at the centre of a bugging scandal involving East Timor should never have made it to court.

The case against former spy Witness K is due back in the ACT Magistrates Court on Tuesday.

His former lawyer, Bernard Collaery, is also facing conspiracy charges in a separate prosecution.

Emily Howie from the Human Rights Law Centre said the pair should not have been charged.

"I think prosecution of these two men is a disgrace," Ms Howie told AAP.

"These cases just send the wrong message, they say if you speak up, the government is going to come down on you like a ton of bricks."

Witness K blew the lid on Australia bugging East Timor's cabinet rooms in 2004 while the two countries negotiated an oil deal.

Ms Howie said Witness K had used all the proper internal, legal mechanisms to raise concerns about the incident and was referred to Mr Collaery for advice.

"He should have been protected by our government, instead he's being prosecuted," Ms Howie said.

The cases showed how urgent reform was needed for internal whistleblower systems in the public service and intelligence agencies, she said.

"We need to be absolutely certain that the prosecution of Witness K and Collaery doesn't happen again," she said.

Attorney-General Christian Porter gave the green light for the prosecutions.

In August, Mr Porter said as the matters were before the courts, he had a "requirement and responsibility" to allow the legal process to proceed.

Witness K has flagged an intention to plead guilty to the charges against him.

The attorney-general has argued this intention is proof there is both a reasonable prospect of conviction and public interest in pursuing the case.

When contacted by AAP on Monday, Mr Porter said he hoped to overhaul whistleblower protections as part of finalising the structure of a federal anti-corruption commission before the end of the year.