

# **Secrets, spies and trials: national security vs the public's right to know on FOUR CORNERS — Australian Television News**

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## **Secrets, spies and trials: national security vs the public's right to know.**

"I feel we're living in very dangerous times here in Australia...one day we'll wake up and wonder how on earth we got here." MP

In a Canberra court room one of the most controversial trials ever to be held in Australia will soon get under way. The case is highly sensitive, with key evidence central to the allegations unlikely to ever be heard by the public.

"This could be...one of the most secretive trials in Australian history." Former judge

A former spy and his lawyer have been charged with conspiring to reveal secret information relating to an Australian intelligence operation aimed at a friendly foreign government.

"There is a legitimate public interest in knowing what is being tried...That's difficult to do if a trial, at the pointy end, will be held secretly." Lawyer

The two men involved are a former intelligence operative known only as Witness K and his lawyer, the former ACT Attorney-General Bernard Collaery.

"Traditionally, it's simply not in the public interest to prosecute this kind of thing." Lawyer

Witness K and Collaery are accused of disclosing an Australian bugging operation carried out in the government offices of Timor Leste in 2004. It was years after the revelations became public that they were charged.

"There is that I think overall perception that this sort of litigation is a payback, firstly. Secondly, that the secrecy provisions are perceived to be a coverup." Former judge

On Monday Four Corners investigates the extraordinary steps the Australian government has taken to prosecute these men and to keep them silent.

"I don't know what I'm going to be allowed to say in court. I've only just been allowed to speak to my lawyers after 18 months...but I'm circumscribed even in what I can tell my own lawyers. It's an amazing experience." Bernard Collaery

The intelligence community argues that prosecuting those that leak is an essential part of our national security.

"If you have everybody going out and saying, well, I don't agree with something, and disclosing privileged information, then you don't have an intelligence service." Former intelligence analyst

But former judges and senior lawyers who have worked closely with the intelligence agencies say they are deeply worried about the prosecution and the use of the national security laws created in the wake of 9/11.

"I don't think (these laws) were designed for this sort of case at all." Former judge

The program examines the tension between those who say national security is paramount and those who fear the steady encroachment of state security on the public's right to know.

"I think that for far too long, there has been this notion that, very few people will decide what's good for us to know, and what's good for us not to know. And I, for one, am not prepared to give them a blank check." Lawyer

Secrets, spies and trials, reported by Steve Cannane, goes to air on Monday 26th August at 8.30pm. It is replayed on Tuesday 27th at 1.00pm and Wednesday 28th at 11.20pm. It can also be seen on ABC NEWS channel on Saturday at 8.10pm AEST, ABC iview and [atabc.net.au/4corners](http://atabc.net.au/4corners).

## **FOUR CORNERS: Monday 26 August 2019 at 8:30pm AEST**

A 30-second trailer is at <https://youtu.be/oE5nZZVTt8M>