



Australia news

Crossbenchers urge new attorney general to end prosecution of Bernard Collaery

Greens and independents back calls for Mark Dreyfus to withdraw commonwealth consent to all charges in alleged Timor-Leste bugging case

Christopher Knaus Thu 2 Jun 2022 13.30 EDT

Key crossbenchers are urging the attorney general, [Mark Dreyfus](#), to immediately intervene to end the previous government's pursuit of Bernard Collaery by withdrawing commonwealth consent to the prosecution.

The outgoing senator Rex Patrick, a persistent critic of the Collaery prosecution, wrote to Dreyfus soon after his appointment as attorney general in the Albanese government, urging "immediate action ... to end the ... prosecution of Mr Bernard Collaery".

Patrick called on Dreyfus - who has himself [been publicly critical](#) of the case - to withdraw the consent previously given by the former attorney general Christian Porter. That consent allowed commonwealth prosecutors to lodge criminal proceedings against Collaery and his former client, Witness K, for their alleged role in exposing a 2004 bugging operation targeting Timor-Leste during negotiations to split the resource-rich Timor Sea.

"I have been encouraged by your recent comments on this matter, including your criticism that the commonwealth's conduct of the prosecution," Patrick wrote.

"As a first and critically important step, I urge you to act without delay and withdraw consent to the prosecution of Mr Collaery."

Patrick's call has been backed by incoming and returning crossbenchers, including Zoe Daniel, Rebekha Sharkie, and David Pocock, who will win the second Senate seat in the Australian Capital Territory, where Collaery is being tried.

"The prosecution of Bernard Collaery should be immediately dropped," Pocock told Guardian Australia.

"This shouldn't be where the government is spending its energy and resources. I welcome new attorney general Mark Dreyfus QC's undertaking to prioritise this matter."

Pocock could play a [key role as part of a progressive crossbench bloc in the Senate](#), which would include the Greens, who have long been opposed to the Collaery prosecution.

The Greens senator Nick McKim echoed Patrick's call for immediate action.

"Mr Dreyfus should immediately instruct the DPP to cease the prosecution and drop all charges against Bernard Collaery," he said.

"We will be writing to Mr Dreyfus to express this in the strongest possible terms."

Lower house independents have also urged the new government to act.

Daniel, the incoming independent for Goldstein, said she was "planning to raise this matter with the attorney general" immediately.

"I believe it a matter of urgency that the attorney general withdraw the government's consent for the case to proceed," she said.

"If deterrence was the goal, it has already served its purpose."

Dreyfus has himself voiced serious criticisms of the handling of the case, including during the campaign.

After Labor won government, Dreyfus said he would seek an urgent briefing from his department about the matter.

The Guardian approached Dreyfus for a response.