

Intelligence agency failed to investigate spying claims, lawyer Bernard Collaery claims

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The former senior spy who blew the whistle on alleged Australian bugging of East Timor's government took his case to the intelligence watchdog but it did not investigate and advised him to get a lawyer if he wanted to take the matter further.

Lawyer and former ACT attorney-general Bernard Collaery - whose office was raided on Monday by ASIO along with the home of the former Australian Secret Intelligence Service officer - revealed the unsuccessful attempt to get an official inquiry, as East Timor's Prime Minister Xanana Gusmao lambasted the Australian government.

The Inspector General of Intelligence and Security oversees the intelligence community but is poorly resourced and has been criticised for not following up many complaints.

"The witness saw the IGIS about his concerns," Mr Collaery said. IGIS did not launch an investigation, but "he received official permission to see a lawyer about his grievances".

The approach was made to the former inspector general of Intelligence and Security, Ian Carnell, he added. Mr Carnell finished his posting in 2010.

The current IGIS, Vivienne Thom, told Fairfax Media: "I won't comment on any approach taken by any particular person to my office, or my predecessor."

The former spy headed the operation to bug the East Timorese government offices during negotiations on the \$40 billion Timor Sea oil and gas fields in 2004. According to Mr Collaery, it was done under cover of an aid project.

The alleged eavesdropping enraged East Timor, which declared the treaty invalid and is seeking arbitration in The Hague, accusing Australia of multiple breaches of international law, including the Vienna conventions on diplomacy and treaties.

Mr Gusmao said on Wednesday: "Raiding the premises of a legal representative [Mr Collaery] of Timor-Leste and taking such aggressive action against a key witness is unconscionable and unacceptable conduct. It is behaviour that is not worthy of a close friend and neighbour or of a great nation like Australia."

Attorney-general George Brandis denied the raids were an attempt to ruin the legal case of East Timor (also known as Timor-Leste). He said he was only responding to a request from ASIO director-general David Irvine and that the ex-ASIS agent had broken the law by revealing classified information. Mr Irvine was head of ASIS in 2004.

Senator Brandis also suggested Mr Collaery risked breaking the law and wasn't covered by lawyer-client

privilege.

Mr Collaery challenged Senator Brandis to make his remarks outside Parliament. He said Senator Brandis was trying to intimidate him.

The ex-ASIS agent became aggrieved after he found out that former foreign minister Alexander Downer began working as a consultant to resources giant Woodside after leaving Parliament.

Woodside had the rights to develop the Timor Gap reserves, and it was Mr Downer who allegedly ordered the eavesdropping.

Mr Downer declined to comment directly on the allegations of espionage, but railed against the ingratitude of the East Timorese government.

"John Howard, I and other members of the Howard government, and the Australian taxpayers and its military, made a huge, huge effort for the Timorese people," he told Fairfax Media.

"We gave them 90 per cent of the [royalty] revenue from the joint development area [for oil and gas in the Timor Sea]. That's nearly all of it. So thank-you very much."

The Howard government - either intentionally or inadvertently, according to historians - prompted the East Timorese vote for independence. It also provided security for the poll and kept troops in East Timor for more than a decade.

But concerns East Timor got duded in the agreement, known as the Certain Maritime Agreement on the Timor Sea, remain potent in the fledgling and poor nation. East Timor is especially riled that its wish for a processing facility on its soil was ignored by Woodside.

IGIS did not respond to questions on Wednesday.

This story was found at: <http://www.smh.com.au/federal-politics/political-news/intelligence-agency-failed-to-investigate-spying-claims-lawyer-bernard-collaery-claims-20131204-2yr3m.html>