
[Print](#) [Facebook](#) [Twitter](#)

Interview: Tanya Plibersek, Deputy Labor Leader

Australian Broadcasting Corporation

Broadcast: 10/02/2016

Reporter: Tony Jones

Tony Jones speaks with Tanya Plibersek and asks her how Australia can restore damaged relations with East Timor, after the neighbouring country's senior statesmen accused Canberra of bugging their Cabinet rooms ahead of crucial oil and gas treaty negotiations.

Transcript

TONY JONES, PRESENTER: Last November on Lateline a group of East Timor's most senior leaders for the first time publicly accused Australia of committing a crime and acting immorally by sending spies to bug the Government's cabinet offices in Dili. The Australian intelligence operation took place during critical negotiations for an oil and gas treaty in 2004 at a time when the newly-born nation was weak and vulnerable.

STEVE CANNANE, REPORTER (Nov. 25, 2015): Under the guise of an Australian aid project helping to renovate the Palace of Government in Dili, agents from Australia's foreign intelligence service ASIS had snuck in and installed listening devices in the cabinet rooms.

MARI ALKATIRI, FMR EAST TIMOR PRIME MINISTER (subtitles): In all kind of negotiation, you are always trying to get information from the opposite side, but there are means to do it. What they did, if it is confirmed, is a crime.

ALFREDO PIRES, EAST TIMORESE PETROLEUM AND RESOURCES MINISTER: If I was to do a similar thing in Canberra, I think I would be behind bars for a long time.

XANANA GUSMAO, FMR EAST TIMOR PRESIDENT AND PM (subtitles): Australia would not allow. It would be - under the Security Act, it will be criminal act, no? And for us, we believe that it should be considered like this, no?

RUI ARAUJO, EAST TIMORESE PRIME MINISTER: Something that is a matter of death and life for a small country, I think it's - at least morally it's a crime.

PETER GALBRAITH, UN APPOINTED LEAD NEGOTIATOR: Well clearly it was a crime under East Timor law. Obviously it's a crime to break into the offices of the Prime Minister and the cabinet and to place bugging devices.

TONY JONES: Well back when we ran that story, no senior Australian Government minister or shadow minister would come on this program to discuss the allegations that our Government had behaved criminally and that East Timor had in essence been cheated. But today, the shadow Foreign Minister Tanya Plibersek made a speech to the National Press Club in which she committed a future Labor government to repair the damage done to relations with East Timor.

TANYA PLIBERSEK, DEPUTY OPPOSITION LEADER: If we want to insist that other nations play by the rules, we also need to adhere to them. The maritime boundary dispute has poisoned our relations with our newest neighbour. This must change for their sake and for ours. A Shorten Labor Government will redouble our efforts to conclude good faith negotiations with Timor Leste to settle the maritime boundaries between our two countries. If we are not successful in negotiating a settlement with our neighbour, we are prepared to submit ourselves to international adjudication or arbitration.

(Voices from audience say, "Hear, hear.")

(Applause from audience)

TONY JONES: Well the Deputy Labor Leader joined me in Canberra earlier this evening.

Tanya Plibersek, thanks for joining us.

TANYA PLIBERSEK: Hi, Tony.

TONY JONES: Now you talk in your speech about poisoned relations. Were relations with East Timor poisoned by the revelations in 2012 that Australia had bugged East Timor's cabinet offices?

TANYA PLIBERSEK: Well Tony, you know that neither the Government nor the Opposition comment on issues around intelligence gathering, particularly as it relates to national security, so I'm not going to make any comments about the allegations you're talking about. What I would say is that for many years now, our relationship with East Timor has been affected by our failure to determine a sea boundary between our two nations. We were great supporters of Indonesian - of East Timorese independence, and at that time there was a very close relationship between us and our new neighbour and that relationship has deteriorated to some extent because we can't resolve this outstanding issue.

TONY JONES: You talk about poisoned relations, and so in a sense, refusing to talk about intelligence matters is avoiding the elephant in the room. As you know, the founding father of East Timor, Xanana Gusmao, who's also a former president and prime minister, the Prime Minister at the time of the bugging, the current Prime Minister, his Resources Minister and the UN-appointed chief negotiator have all claimed that Australia's bugging of the cabinet offices was a crime and has damaged relations. What do you say to them?

TANYA PLIBERSEK: Well I spoke to Xanana Gusmao yesterday about this proposal that I took to the Press Club today that we would seek to re-enter good faith negotiations with the Government of East Timor and if we couldn't come to a resolution, submit ourselves to international adjudication or arbitration and he was very pleased to hear that. I spoke to the ambassador today, I've spoken to Timorese ministers last year on my visit there. All of them have asked for nothing less than we enter into negotiations, and if we can't resolve this issue, that we allow the international community and the laws and norms that govern the distribution of sea borders to come into play.

TONY JONES: But you heard what all of these East Timorese leaders said. You can't just ignore the fact that they're saying Australia committed a crime. It's not just an intelligence matter now; it's a matter of state, it's a matter of diplomacy. That's what these leaders have said Australia did. They said they've acted immorally and criminally. What do you say to that?

TANYA PLIBERSEK: Well I'd say that I can't comment on issues around security and intelligence and no government or opposition has done that in the past.

TONY JONES: I hear what you're saying, but what about the treaty? Because the - what's going on in the International Court of Arbitration is an attempt have the treaty cancelled because of these allegations from East Timor and from an Australian former spy known as Witness K that Australia did this - what they call a crime, bugging their cabinet offices during the negotiations for the treaty.

TANYA PLIBERSEK: Yeah, well you're right. They're seeking to have the CMATS treaty set aside. Part of that treaty was that issues around the sea boundary between our two nations wouldn't be determined for the next 50 years. The treaty was designed to allow the exploitation of the Greater Sunrise oil and gas fields in particular. It hasn't - it hasn't led to that. We still haven't seen that resource exploited because of the continuing insecurity around this issue around - around this issue.

TONY JONES: No, but that's what the key question though is - are you talking about renegotiating the treaty as well as talking about the maritime boundaries, 'cause that's the thing they've been asking for in the Court of Arbitration?

TANYA PLIBERSEK: Well - well, if we had a final resolution of our borders, our sea boundary, it would actually mean that a number of the treaties that have been entered into in the past would no longer be necessary because they were entered

into for the very reason that we couldn't determine the border between our two countries and so a decision was made that we would have - well a decision was made that we'd take no decision on the borders, but we would actually focus on exploration and exploitation of resources in the sea.

TONY JONES: Can I ask you this: do you acknowledge the fact that Xanana Gusmao and a series of other senior East Timorese leaders have complained to the Australian Government that it has committed a crime in bugging their cabinet offices? Do you even acknowledge that fact?

TANYA PLIBERSEK: Well they've certainly - there's certainly been a great deal of complaint about that. I've heard the reports just as you have. I've also heard the complaints about the way our Attorney-General handled the raiding of the lawyer of the East Timorese Government. I've heard other complaints from the East Timorese side where they allege that there has been not been good faith on the part of the Government.

TONY JONES: And do these issues, the allegations that the Australian Government sent an ASIS team in to bug the cabinet office of the East Timorese Government, a friendly government, do they concern you?

TANYA PLIBERSEK: I'm not gonna comment on issues of intelligence and security. What I will ...

TONY JONES: But that's not a comment; that's just whether or not it concerns you to hear that our neighbours are deeply worried and angry about this as a shadow foreign minister.

TANYA PLIBERSEK: Well, I think, Tony, you're focusing on a part of this negotiation that has been very controversial. I'm focusing on the outcome that we're seeking here. This whole problem around the CMATS is because the Government of East Timor want to determine a final sea boundary between our two nations. So let's go to the issue that's at the heart of this. Are we prepared - we have no ...

TONY JONES: But you don't have to say - with respect, ...

TANYA PLIBERSEK: No, no, Tony, let me finish this.

TONY JONES: ... you don't have to say whether or not the bugging happened, if indeed you know about it. You simply have to respond to the anger and the complaint of our nearest neighbours and their senior politicians. I'm just - do you think that is a concern that they are worried about this?

TANYA PLIBERSEK: Well, I'm responding to the fact that for decades we haven't had a proper border with one of our nearest neighbours. I'm responding to that in a way that is acceptable to the Government of East Timor, and most importantly, also in Australia's national interest. The ongoing uncertainty about where the border lies between our two nations is not in our international - not in our national interest and it's also not good for us internationally, not good for our reputation. We are a country that has benefited a great deal through the rule of law internationally. The fact that we were able to take Japan to the ICJ and win the whaling case was because we are party to conventions, including UNCLOS, the Convention on the Law of the Sea, that allow us to do that. We can't ...

TONY JONES: But Tanya Plibersek, this is rule of law ...

TANYA PLIBERSEK: No, Tony, this is - this is the heart of this, Tony. The heart of this is we can't ...

TONY JONES: It is indeed because the whole context of your speech today was about the rule of law. And here you have the leaders of a friendly neighbouring country saying Australia has broken the law and to get an advantage in a treaty negotiation and you won't even respond to that.

TANYA PLIBERSEK: Well, I'm not a - I'm not a commentator, Tony. What I'm saying is the solution to the border dispute between our two nations is to negotiate and if we're not able to reach a resolution by negotiation, to allow adjudication or arbitration in the international system that we are part of, that we uphold and defend, because it has brought us so much benefit.

TONY JONES: Alright. Final question. In January, the Foreign Minister Julie Bishop - you mentioned Witness K earlier and the raids on his house- in January, Julie Bishop refused to issue Witness K with a passport on the grounds he would likely engage in conduct that might prejudice the security of Australia; that is, to give evidence that this bugging happened. Do you support her decision?

TANYA PLIBERSEK: Well I don't know the basis on which the minister made that decision. I can't possibly comment on the cancellation of a passport unless I know the reasons that the minister has for doing it.

TONY JONES: But you haven't even asked questions about this in Parliament. I mean, how would you find about it otherwise?

TANYA PLIBERSEK: Well, I don't think the minister would ever disclose the reason a passport was cancelled in a situation like this in the Parliament.

TONY JONES: He would be likely to engage in conduct which might prejudice the security of Australia - that's their reason and we know that he was about to give evidence in The Hague on behalf of the Indonesian - East Timorese Government.

TANYA PLIBERSEK: (Pauses) Was that a question? (Laughs)

TONY JONES: No, that's an explanation. You said there was no reason given.

TANYA PLIBERSEK: Uh, and, Tony, there's no detail of what the minister means by that. So, I don't know ...

TONY JONES: Don't you want to know? Do you want to know the answer to this?

TANYA PLIBERSEK: Ah ...

TONY JONES: You're in a better position than we are to find out because you can ask questions in Parliament.

TANYA PLIBERSEK: Um, Tony, we don't comment on issues around national security and intelligence. I can't say it in any other way. I think you are focusing on a side issue when the main issue today is: will we resolve the border issue with our newest neighbour after decades of uncertainty? And the answer is: Labor in government will.

TONY JONES: I'll simply make the point that Xanana Gusmao does not regard this as a side issue according to what he told Lateline. But that's all we have time for. Thank you very much, Tanya Plibersek.

TANYA PLIBERSEK: Thank you.

Do you have a comment or a story idea? Get in touch with the Lateline team by [clicking here](#).

Search Lateline

Sort by:

relevance date

Contact the Lateline team

We are keen to hear your story ideas and follow-ups, as well as suggestions for questions we should ask guests on the program. [Contact Lateline](#).



© 2015 ABC