

Labor announces inquiry into East Timor bugging operation if elected

Sydney Morning Herald, August 11, 2021. *By Anthony Galloway*

Labor has announced that it would conduct an inquiry into the intelligence operation to bug the East Timor government which led to the prosecution of a former spy and his lawyer.

The federal opposition has also called for former attorney-general Christian Porter to provide an explanation as to why he authorised the prosecution of the former intelligence official known as Witness K and his lawyer Bernard Collaery.



Manager of Opposition Business in the Senate Katy Gallagher announced Labor's position. *Credit: Dominic Lorrimer*

Witness K was [in June handed a three-month suspended sentence](#) for conspiring to reveal classified information about intelligence agency ASIS's bugging of East Timor's cabinet rooms during sensitive oil and gas treaty negotiations.

The actions of the ASIS official and Mr Collaery helped the East Timor government build a case against Australia at The Hague, which led to Canberra renegotiating the deal.

Mr Collaery is continuing to fight the charges against him in the ACT Supreme Court, where a two-day court hearing into an appeal brought by him challenging a secrecy order was [held behind closed doors](#) in May.

Independent senator Rex Patrick has moved a motion in the Senate to refer the 2004 bugging operation to a parliamentary inquiry.

Speaking on the motion on Wednesday night, Manager of Opposition Business in the Senate Katy Gallagher said she did not believe an inquiry by the Senate Legal and Constitutional Affairs References Committee is the appropriate way to examine the operation.

She said a Labor government would instead amend the Intelligence Services Act to allow Parliament's security and intelligence committee to refer particular operations of Australian intelligence and security agencies.

“In government, we will ensure an inquiry into the circumstances of the intelligence operation conducted by the Australian Secret Intelligence Service (ASIS) in Timor-Leste, and the subsequent decision to prosecute Witness K and his lawyer Mr Bernard Collaery.

“Further, Labor calls on the Attorney-General to provide an explanation to the Senate of the public interest in continuing to prosecute Mr Collaery.

“For reasons that have not been publicly explained, Mr Morrison’s former attorney-general, Mr Porter, personally authorised the prosecution of Witness K and Mr Collaery.”

During Witness K’s sentence hearing, his barrister, Robert Richter, QC, submitted that former attorney-general George Brandis must have held concerns about prosecuting his client because he sat on the decision for three years. He compared Mr Brandis’ hesitation with his replacement Mr Porter’s authorisation of the prosecution eight weeks after taking over the portfolio.

Labor has moved a motion on notice for a vote tomorrow to have AttorneyGeneral Michaelia Cash explain to the Senate on August 24 why the ongoing prosecution of Bernard Collaery is justified.

Senator Patrick earlier said it was “scandalous and un-Australian that we would spy on a new, independent neighbour” in East Timor.

“The newest country in the world, an impoverished country and one that gave great assistance to Australian forces in World War II – in circumstances where we had agreed to negotiate with them in good faith,” he said. “That someone who called out this immoral conduct is now being prosecuted for blowing the whistle is unconscionable.”