

# **Bernard Collaery: East Timor spy trial delayed after government refused to let barrister Bret Walker SC join defence team**

Craig Dunlop – *Daily Telegraph/Canberra Star* - 28 January 2021

*Bret Walker will represent whistleblower lawyer Bernard Collaery in the East Timor bugging case, despite 'resistance' from the government*

<https://www.dailytelegraph.com.au/newslocal/canberra-star/bernard-collaery-east-timor-spy-trial-delayed-after-government-refused-to-let-barrister-bret-walker-sc-join-defence-team/news-story/4bec8ed3d457ed2b9b68815e8a26c2b4>

Government bureaucrats tried to “resist” top barrister, Bret Walker SC, from getting involved in the case of whistleblower Canberra lawyer Bernard Collaery, a court has heard.

Collaery, a Canberra barrister and former politician, will likely face trial on espionage charges late this year or early next year, accused of divulging information to the ABC about a team of Australian spies bugging East Timorese government offices during high-stakes negotiations over lucrative oil and gas fields in the Timor Sea.

The trial has so far been delayed by a so-called “war” between Collaery and the government over whether the trial should be held in open court.

Collaery’s lawyers have unsuccessfully argued that the public and media should be allowed to attend the trial, and are appealing a decision which will see it heard in closed court under national security laws.

The ACT Court of Appeal on Wednesday heard Mr Walker — often described as Australia’s best barrister — bumped into Collaery before Christmas and volunteered to lead the appeal, but lawyers for Commonwealth Attorney-General Christian Porter refused to sign off on him joining the high-powered legal team.

Attorney-General Department bureaucrats have the power to vet defence lawyers working on national security cases because they have access to top secret evidence.

Justice John Burns said on Wednesday: “What really concerns me is the delay in approving Mr Walker as being a member of the defence.

“There seems to be no excuse or explanation.”

Government lawyer Tim Begbie said Collaery already had a strong legal team, including at least four top barristers, and that the appeal hearing would be delayed if Mr Walker joined the team.

Mr Begbie described Collaery’s case on appeal as a “coverall shotgun style appeal” and “not a scalpel”.

The Commonwealth Director of Public Prosecutions's barrister, Chris Tran, said his client didn't want the case delayed any longer and that the appeal was only about whether the trial would take place behind closed doors.

Ken Archer, one of Collaery's barristers told the court Mr Walker has unmatched expertise in national security laws, having previously been the independent monitor for national security legislation.

"His involvement should be welcomed by the Commonwealth," he said.

Justice Burns said the appeal "possibly goes to something which is more significant than the charges itself, that is, whether justice is seen to be done by the public".

The appeal is set to be heard later this year, likely in April.