

Collaery charges must be dropped and whistleblowing laws overhauled

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The Human Rights Law Centre today called on the Morrison government to drop the unjust charges against whistleblower Bernard Collaery and urgently reform Australia's whistleblower protection laws.

The prosecution of Bernard Collaery returns to the ACT Supreme Court tomorrow with Collaery on trial for his role in allegedly revealing that the Australian government spied on neighbour Timor-Leste for commercial gain during the early 2000s. Collaery denies the charges.

Since being charged in mid-2018, Collaery – a former ACT Attorney-General – has been dragged through an endless, secretive prosecution. Almost five years later, there is no end in sight; a jury trial is unlikely to take place until 2023 at the earliest.

The federal Attorney-General, Michaelia Cash, recently appealed to the High Court to keep secret the details of an ACT Court of Appeal judgment that denied the government's request for a secret trial.

In court tomorrow, the Attorney-General is seeking to add further, secret evidence (that only the trial judge can see) in support of its attempt to reverse the ACT Court of Appeal's decision and have the trial go ahead behind closed doors.

Kieran Pender, Senior Lawyer at the Human Rights Law Centre, said:

“Whistleblowers should be protected, not punished. There is no public interest in prosecuting whistleblowers, and certainly not in secret. The Attorney-General should drop the prosecution of Bernard Collaery – it is as simple as that.”

“While consenting to the prosecution of whistleblowers, the government has delayed reforming laws that would protect those who speak up about wrongdoing. In 2016, an independent review found that the *Public Interest Disclosure Act 2013* needed to be overhauled. Successive Coalition governments have promised to implement the review's recommendations, but there has been no progress.

“Australia's whistleblowers are suffering,” said Pender. “Reform to the *PID Act* is long overdue. The Morrison government should start delivering on integrity reform promises, including fixing our broken whistleblower protection laws.”