

Bernard Collaery's trial date set for October, against his wishes, as dispute with federal government drags on

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Canberra lawyer Bernard Collaery will face trial in October. (ABC News: Nick Haggarty)

Canberra lawyer Bernard Collaery will face trial in the ACT Supreme Court in October, four years after he was first charged with conspiring to release classified information about an alleged spying operation in East Timor.

Mr Collaery is facing five charges, including that he breached the law by communicating classified information to journalists, and that he conspired with a man known as Witness K to share the information with the government of East Timor.

Mr Collaery had been appointed as Witness K's lawyer in a workplace dispute, in the early 2000s. At the time, Mr Collaery was also working with the government of East Timor in its dispute with Australia over an oil and gas treaty.

That case went all the way to The Hague.

Witness K only faced a single conspiracy charge and was given a three-month suspended sentence after he pleaded guilty.

Key points:

- Mr Collaery's case has so far been bogged down in a dispute over secrecy with the federal government
- With that dispute ongoing, Mr Collaery's lawyer says his client is opposed to a trial date being set
- He says if Mr Collaery wins an appeal in July, the trial will be longer and the date may have to be changed

But Mr Collaery decided to fight the case.

Trial date 'against the desire and wishes' of Mr Collaery

So far the case has been bogged in [a struggle between the federal government and Mr Collaery's lawyers over secrecy issues](#).

There have been multiple rulings by Justice David Mossop as the parties navigate the National Security Information Act, which governs the way classified information is managed.

Mr Collaery did win an appeal against a key ruling, [although information about that ruling has never been released](#).

[He is also planning to fight a second ruling](#), preventing him from obtaining key information from government agencies including the overseas spy group ASIS and the Prime Minister's department, in a hearing in July.

But today the court has set a trial date of October 24.

Mr Collaery's lawyer Phil Boulten told the court his client did not want a date set yet.

"This action to set down the trial is against the desire and wishes of the accused," he said.

Mr Boulten also questioned the time set aside.

"Whether it's a four-week trial is a bit of a guess," he said.

Mr Boulten said if Mr Collaery won an appeal in July the trial will be longer and the date may have to be vacated.

The Commonwealth Director of Public Prosecutions will run the trial.

The agency has had almost no role in the case so far, as Mr Collaery's lawyers battle it out with the federal Attorney-General.

But that is about to change.

There are also questions about how the change of federal government might affect the case, although there is no indication yet of the approach a new government would take.